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09-01-09

**09-O-02
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**ADMINISTRATIVE ENFORCEMENT OF THE DEPARTMENTS OF REVENUE
AND ENVIRONMENTAL CONTROL'S ORDINANCES**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Sections 2-434 through 2-436 of the Cook County Code are hereby amended as follows:

Subdivision III. Department of Revenue

Sec. 2-434. Power and duties of Director of Revenue.

The Department of Revenue shall have the following powers and duties:

(1) To administer and enforce all of the responsibilities, powers and duties delegated to it in every County tax or fee ordinance. However, when those tax revenues are collected by the State for and in behalf of the County, and remitted to the County, the Department shall act solely in an advisory capacity with respect to those collections.

(2) To collect cable television franchise fees and tax revenue, other than property taxes, formerly collected by other officers, and to succeed to all responsibilities, powers and duties relating to cable television franchise fees and tax collections previously delegated to the County Collector, Bureau of Finance and Bureau of Administration.

(3) To establish, maintain and preserve statistical records of revenue, taxes and license and permit fees collected under each revenue, tax, license or permit measure and to report to the County Board President from time to time or as often as the President considers it necessary, upon those statistics.

(4) To provide appropriate duties and responsibilities for officers and employees of the Department.

(5) To investigate, analyze and propose new revenue programs for the County toward the end that the financial burdens of revenue, tax, license and permit fees may be equitably distributed among the citizens of the County.

(6) To take such steps, actions, and to request prosecutions by the State's Attorney's office for the purpose of enforcing ordinances relating to fees and taxes administered by the Department of Revenue.

(7) To require the production for examination of books, papers, records, and documents pertinent to any tax liability, as well as to institute investigations, inquiries or hearings and to take testimony and proof under oath at such hearings.

(8) To make and enforce reasonable rules and regulations as necessary to effectively administer any of the powers herein granted or which are granted by other ordinances adopted by the County Board, and to publish those rules and regulations and make them available to members of the public who desire them.

(9) To receive all protests and challenges to the determination of tax liability of any taxpayer and to issue tentative determination of those claims.

(10) To refer any protests and challenges, to the determination of tax liability of any taxpayer, to the Cook County Department of Administrative Hearings for an administrative law officer or administrative law judge to hear and issue final determination regarding the claims, following all rules and procedures set forth in Chapter 2, Article IX of the County Code.

(11) To correct errors of tax designation on Department records and to notify the County Treasurer so that necessary adjustment and corresponding changes may be made.

(12) To assess a fee on payments made by credit card. The fee shall be the actual amount charged to the County by the credit card company for those transactions. The Director of Revenue shall post a notice setting forth the amount of the fee at all places where credit card payments are accepted.

(13) To request wire or electronic transfer of funds due to the County from the State Treasury, as provided in 15 ILCS 505/11 (countersigning of warrants by State Treasurer; service charge for electronic transfers).

Sec. 2-435. Payments, permits and licenses.

The Department of Revenue shall investigate and determine whether all persons required by County ordinance to pay a fee or tax administered by the Department have complied with those provisions and in cases of evasions of payment, the department shall serve notices of delinquency and upon advice, counsel and representation of the State's Attorney, shall request proceedings to be instituted, by the Department of Administrative Hearings or another court of competent jurisdiction, to enforce those provisions and collections.

Sec. 2-436. State's Attorney status reports.

The State's Attorney and the Department of Administrative Hearings shall annually provide to the Department of Revenue and the County Auditor a report on pending Department cases referred to the State's Attorney or the Department of Administrative Hearings by the Department and not yet resolved.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Sections 30-121 and 30-212 of the Cook County Code are hereby amended as follows:

Sec. 30-121. County Environmental Control Board of Appeals.

(a) *Appointment.* The County Environmental Control Board of Appeals, consisting of five members, is hereby established. The members shall be appointed for terms of two years, by the President with the advice and consent of the Board of Commissioners. One of the members of the County Environmental Control Board of Appeals shall be designated as "Chairman" by the President. The Secretary of the County Environmental Control Board of Appeals shall be appointed by its Chairman. Of the initially appointed members, two shall serve for one year, two members shall serve for two years, and one member for three years.

(b) *Qualifications.* The members of the County Environmental Control Board of Appeals shall be chosen from among the following professions and occupations: law, medicine, engineering, teaching, science, business and labor, or someone in the general public who has manifested and demonstrated interest in environmental control. Each member shall have had no less than five years of experience in such member's particular profession or occupation and where licenses or permits are required in order to pursue the profession or occupation shall be the possessor of a current State or County license or permit, or both where required.

(c) *Meetings and hearings.* Meetings and hearings of the County Environmental Control Board of Appeals shall be held at the call of the Chairman and at such other times as the County Environmental Control Board of Appeals may determine. The County Environmental Control Board of Appeals shall have the power to adopt and enforce such rules and regulations as it may deem necessary to carry into effect the appeal power herein provided and in connection therewith may request technical assistance and advice from any County Department. All meetings and hearings conducted by the County Environmental Control Board of Appeals shall be open to the public. The County Environmental Control Board of Appeals may hear an appeal en banc, or may designate an individual member or members to conduct hearings. The Board of Appeals or Director may also refer appeals to the Cook County Department of Administrative Hearings to be heard by an administrative law officer or administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code.

(d) *Witnesses and evidence.* At the hearing, any party or persons may appear in person, or by agent or attorney, and may present evidence, both written and oral, pertinent to the questions and issues involved, and, in the discretion of the Chairman, may be permitted to examine and cross-examine witnesses. The County Environmental Control Board of Appeals may issue subpoenas in connection with the hearings, requiring the attendance of witnesses and production of evidence reasonably related to the hearing, and shall have the power to cause to be instituted in court appropriate legal proceedings to compel compliance with the subpoenas.

(e) *Record of proceedings.* The petitioner at the petitioner's expense shall have a stenographer present to take testimony and preserve a record of all proceedings involved with the hearings. The notice of appeal, the notice of hearing, all other documents in the nature of affidavits, pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings of fact and decisions shall constitute a record of proceedings. The petitioner shall furnish the Board of Appeals a transcript of such record. The County Environmental Control Board of Appeals shall not be required to certify any record, file any answer, or otherwise appear at any proceedings for judicial review unless the party filing the appeal shall deposit the sum of the current standard costs per page of original transcript as prevails among court reporting services in the County. Upon judicial review, the Secretary of the County Environmental Control Board of Appeals shall be empowered to certify the record.

(f) *Decisions and determinations.* The County Environmental Control Board of Appeals shall keep minutes of its proceedings. No member shall be entitled to vote upon an issue unless the member has read the transcript of the hearing and has examined all exhibits received in relation thereto and shall have executed an affidavit to the effect that the member has read the transcript and examined the exhibits, which affidavit shall be made a part of the record. A quorum shall consist of three members and a majority of the number present and voting shall determine all issues before the County Environmental Control Board of Appeals. The minutes of all hearings before the County Environmental Control Board of Appeals shall show the vote of each member upon each determination, and, if they are absent or otherwise fail to vote the minutes shall reflect such fact. Every rule and regulation, amendment thereunder, or appeal thereof; every order, requirement, decision or determination of the County Environmental Control Board of Appeals; and all records required by law to be kept by the County Environmental Control Board of Appeals shall be filed forthwith in the offices of the County Environmental Control Board of Appeals and shall become a public record.

(g) *Time for decision.* Beginning with the date of filing of a notice of appeal with the County Environmental Control Board of Appeals, the Board shall set a date for the hearing within ten days thereafter, which hearing shall be held within the following 21 days. The County Environmental Control Board of Appeals shall give written notice of the hearing by certified mail to the interested parties. The County Environmental Control Board of Appeals may in its discretion, grant continuances. The County Environmental Control Board of Appeals shall make recommendations for final determination, only an administrative law officer or an administrative law judge, appointed by the Department of Administrative Hearings shall make final determinations.

Sec. 30-212. Citation, hearing, and sealing.

(a) After any person has been previously notified of three or more violations of this chapter within any consecutive 12-month period in respect to the emission of smoke, particulate, or other matter by the same piece of equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this chapter, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or the whereabouts of such person is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the administrative law officer or administrative law judge shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the administrative law officer or administrative law judge shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in Division 3 of this article.

(b) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel-burning, combustion, or process equipment or device shall be discontinued and may seal such equipment or process:

- (1) When a certificate of operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this chapter;
- (2) In the case of movable equipment, or portable boilers, or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or authorized representative.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Sections 34-61, 34-95, 34-130 and 34-368 of the Cook County Code are hereby amended as follows:

ARTICLE III. UNIFORM PENALTIES, INTEREST AND PROCEDURES

Sec. 34-61. 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.

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. 34-95. 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.

ARTICLE IV. PROCUREMENT AND CONTRACTS

Sec. 34-130. Penalties for failure to pay Cook County taxes and fees.

(a) Every County contract shall contain a provision that entitles the County to set off a portion of the contract price equal to the amount of the fines and penalties including interest for each tax or fee delinquency and any debt owed by the contracting party to the County.

(b) The effect of any person or entity making a false statement under oath as to the existence of any delinquency in taxes or fees shall be to increase the set off provided for in Subsection (a) above by 50 percent, as a penalty for such false statement. In addition to such set off and penalty, making a false statement under oath regarding delinquency shall be a misdemeanor, punishable by a fine of \$500.00.

(c) If during the existence of any contract for goods or services between the County and any person or business entity, such person or entity shall become delinquent for nonpayment of taxes or fees administered by the County, the County shall be entitled to set off a portion of the contract price equal to the amount of the tax and fee delinquency, and impose a 50 percent penalty on the amount of the delinquent tax or fee.

(d) No set off, penalty or fine will be imposed on any person or entity except after a hearing. Such person or entity shall be given five days written notice of the hearing affording an opportunity to appear and defend. The hearing shall be held before a representative of the County appointed by the County Board, or an administrative law officer or administrative law judge appointed by the Director of Administrative Hearings, who shall report findings to the County Board. The County Board shall have the right to authorize the examination of the books and records of any person or entity upon whom notice of a hearing has been served, such examination to be made by the responsible County agency directed by the County Board or Purchasing Agent.

(e) If the County Board shall determine after such hearing that a set off, penalty or fine should be imposed, within 15 days the Board shall state the reason or reasons for such determination in a written order and shall serve a copy of such order upon the person or business entity.

(f) Whenever it shall appear from the books and records kept by the responsible County agency that any person or entity holding any contract with the County has failed to pay any taxes or fees, the responsible County agency shall report the fact to the County Board, and the Board may impose a set off, penalty or fine.

(g) This section applies to all contracts for goods or services, including personal services; contracts which are awarded on the basis of the bidding process described in this article; contracts which are not bid; contracts which are awarded on the basis of Division 6 of this article; contracts which originate under the authority of the County Purchasing Agent, and contracts which originate from any other office or division of the County.

(h) For the purposes of this section, "taxes or fees administered by the County " shall mean any and all taxes or fees which are imposed or collected by or on behalf of the County, its officials, agencies, boards, commissions or departments, including but not limited to taxes levied on real estate, excise taxes levied by or on behalf of the County, fees and charges imposed by ordinance or by law which are payable to an officer, agency, board, commission or department of the County for any filing, recordation, permit, license, inspection, service including medical services or for any other purpose. Taxes and fees shall be construed to include any and all interest and penalties authorized or imposed by law or by ordinance for late payment or for nonpayment of taxes or fees.

(i) Taxes or fees shall be considered delinquent if a claim, notice or demand for payment has been made for such taxes or fees by or on behalf of the County, its officers, agencies, boards, commissions or departments without timely payment, except in those cases where authorized procedures for protesting or contesting such taxes or fees have been timely and properly initiated and where such protest or contest remains pending.

ARTICLE V. CHILD SUPPORT PAYMENTS

Sec. 34-368. Child Support Enforcement Coordinator.

This article, and all rules and regulations promulgated thereto, shall be administered, supervised and monitored by a Child Support Enforcement Coordinator, who shall be appointed by the President of the County Board. The Child Support Enforcement Coordinator's duties shall include (but not be limited to) the following areas:

- (1) To determine whether an applicant has any delinquent child support obligations by checking the records of the Clerk of the Circuit Court or the records of the appropriate child support enforcement agent of the State of Illinois IV-D Child Support Enforcement Program;
- (2) To promulgate reasonable rules and regulations that provide for the enforcement and administration of this article;
- (3) To refer matters to the Cook County Department of Administrative Hearings to conduct the administrative hearings provided for by the rules and regulations and by Chapter 2, Article IX of the Cook County Code;
- (4) To provide information on the applicant to other appropriate County and State governmental entities, to the extent allowed by law, to assist those offices in the enforcement of child support obligations;

- (5) To provide names and business addresses of applicants to persons seeking to enforce child support orders and their legal representatives, to the extent allowed by law, on the condition that such information be used solely for the purpose of assisting in child support enforcement; and further provided that all information regarding persons seeking to enforce child support orders be kept confidential; and
- (6) To work with bar associations, the court system and other interested groups to facilitate compliance with child support enforcement and the requirements of this article.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Section 54-157 of the Cook County Code is hereby amended as follows:

Sec. 54-157. Appeal of revocation or denial.

(a) Any person wishing to appeal the denial or revocation of any deadly weapons dealer license, the denial of a request for an exception to Section 54-156 or the denial of a request for the transfer of a firearm, must, within 28 days of the date on which the person receives notice by certified mail of the denial or revocation, serve the Director of the Department of Revenue with written notification of the person's request for appeal by certified mail, return receipt requested, with a brief statement of the grounds for the appeal. After receiving the request, the Director shall refer the request to the Cook County Department of Administrative Hearings for an administrative law officer or administrative law judge to be appointed to conduct the hearing. The hearing shall be held within 30 days of receipt of the request unless continued at the request of, or as a result of delays occasioned by, the appellant. The hearing officer, or administrative law officer or administrative law judge, is authorized to conduct hearings concerning any matter covered by this article and may determine factual and legal matters raised by the parties to the hearing. However, the hearing officer, or administrative law officer or administrative law judge, shall not hear or decide any claim that this article is unconstitutional on its face or that the County Board did not have the authority to enact the ordinance from which this article is derived.

- (b) The hearing officer, or administrative law officer or administrative law judge, may:
 - (1) Examine any books, papers, records, memoranda or other evidence bearing upon the business, activities or criminal or mental health background of the appellant;
 - (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, memoranda or other documents or evidence;
 - (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.

(8) Nothing in this Ordinance shall limit the powers and duties of the hearing officers, or administrative law officer or administrative law judge, as authorized by Chapter 2, Article IX of the Cook County Code.

(c) The hearing officer, or administrative law officer or administrative law judge, 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 administrative law officer or administrative law judge, or final decision of the hearing officers, or administrative law officer or administrative law judge.

(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 duces tecum, the following rules shall apply:

- (1) Service shall be made as provided by the Civil Practice Law, (735 ILCS 5/2-201 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, or administrative law officer or administrative law judge, may require that party to bear the cost of services and witness fees. The hearing officer, or administrative law officer or administrative law judge, 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, or administrative law officer or administrative law judge, holding a hearing authorized by this article.

(g) At any hearing held under this article, the Director's initial decision to deny or revoke a license or exception to any provision of this article shall be prima facie correct and the person contesting the decision shall have the burden of proving with books, records, documents and other evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officers, or administrative law officer or administrative law judge, shall make a final determination. The Director shall give written notification to the licensee of the hearing officers, or administrative law officer or administrative law judge's decision and a brief recitation of the reasons for such decision.

(i) A person seeking judicial review of the hearing officers, or administrative law officer or administrative law judge's final decision shall do so in the Circuit Court of Cook County and shall bear the cost of certification. If the protesting party prevails on appeal, the Department shall reimburse that party for the cost of certification.

(j) Items constituting the record may include notices and demands; the initial decision; 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; the final decision of the hearing officer, or administrative law officer or administrative law judge.

(k) If the appellant fails to appear at the hearing, the Department of Revenue may enter a default order in favor of the County requiring payment to the County of an administrative penalty which amount shall be not less than \$100.00 and not more than \$500.00 to cover fees and costs incurred by the County in connection with the administrative proceedings. If the hearing officer, or administrative law officer or administrative law judge, finds that the license exception or firearm transfer was improperly denied or revoked, the Department of Revenue shall immediately issue a license, grant the exception or approve the transfer.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-278 and 74-279 of the Cook County Code are hereby amended as follows:

Sec. 74-278. Interest and penalties.

(a) In case any person engaged in the business of selling tangible personal property at retail subject to or required to collect the tax imposed by this article fails to file a return, the Department shall determine the amount of tax due from such person according to the Department's best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination. Proof of such determination by the Department may be made at any hearing before an administrative law officer or administrative law judge appointed by the Director of Administrative Hearings, or in any legal proceeding, by a reproduced copy of the Department's record relating thereto, in the name of the Department under certificate of the Director. Such 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 amount of tax due as shown therein.

(b) In case of failure to pay the tax or any portion thereof or any penalty or interest when due, the Department may request that suit be brought against the tax collector or return filer, or the purchaser or user to recover the amount of such tax or portion thereof, or penalty or interest, or if the tax collector or purchaser or user has died or has become incompetent, may file a claim therefore against such person's estate. The collection of tax, penalty or interest by any means provided for in this article shall not be a bar to collection by any other means.

(c) Any tax amount which is not paid or remitted when due, shall bear interest at the rate provided in Chapter 34, Article III of this Code.

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.

Effective Date: This Ordinance shall take effect immediately upon adoption.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-03
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

ESTABLISHMENT OF THE DEPARTMENT OF ADMINISTRATIVE HEARINGS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IX Administrative Hearings, Sections 2-901 through 2-929 of the Cook County Code are hereby enacted as follows:

ARTICLE IX. ADMINISTRATIVE HEARINGS

Sec. 2-901. Department of administrative hearings – establishment and composition.

(a) There is hereby established an office of the County government to be known as the department of administrative hearings which shall provide an independent central panel of adjudicators authorized to conduct administrative adjudication proceedings for departments, agencies, boards and commissions of the County.

(b) The department shall be administered by a director, who is licensed to practice law in the State of Illinois, and who shall be appointed by the President of the County Board, subject to approval by the County Board of Commissioners, and staffed by administrative law officers and other employees as may be provided for in the annual appropriation ordinance.

(c) The creation and administration of administrative law officer pools and the process for the assignment of cases to administrative law officers shall be clearly stated in the Department of Administrative Hearing's rules and procedures.

Sec. 2-902. Definitions.

Administrative law officer or administrative law judge may be used interchangeably.

Central panel means a tribunal of professional adjudicators, administratively independent, who review and issue judgment upon County ordinance violations issued by County departments, agencies, boards and commissions.

Code or County Code shall include the "Code of Ordinances, Cook County Illinois".

Sec. 2-903. Powers and duties of the director.

The powers and duties of the director of the department of administrative hearings shall include:

(a) Directing the department with respect to its management and structure, including the creation or reorganization of hearing divisions within the department;

(b) Appointing and removing administrative law officers, as necessary;

(c) Promulgating rules and regulations for the conduct of administrative adjudication proceedings;

(d) Monitoring and supervising the work of administrative law officers and, upon receipt of a timely petition for review authorized by the code, reviewing, modifying or reversing their decisions;

(e) Establishing any other necessary rules and regulations as may be required to carry out the provisions of this chapter.

Sec. 2-904. Administrative law officers – powers and duties.

(a) Each administrative law officer appointed by the director shall be an attorney admitted to the practice of law in the State of Illinois who has not less than five years experience. Administrative law officers shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- (1) Hold conferences for the settlement or simplification of the issues;
- (2) Administer oaths and affirmations;
- (3) Hear testimony;
- (4) Rule upon motions, objections, and the admissibility of evidence;
- (5) Subject to the restrictions contained in Section [2-913](#) (relating to subpoenas), at the request of any party or on the administrative law officer's own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;
- (6) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (7) Regulate the course of the hearing in accordance with this article, the rules adopted by the department for the conduct of administrative hearings, or other applicable law;
- (8) Discuss administrative adjudication proceedings with their supervisors;
- (9) Issue a final order which includes findings of fact and conclusions of law;
- (10) Impose penalties and fines and issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation; provided, however, that in no event shall an administrative law officer have the authority to: (i) impose a penalty of imprisonment; or (ii) except in cases to enforce the collection of any tax imposed and collected by the County, in which this limitation shall not apply, impose a fine in excess of that authorized by the Code, exclusive of cost of enforcement; and
- (11) In any case in which a party has sought review by the department of administrative hearings of an order or determination of another County department, agency, board or

commission, when such review is authorized by this Code, assess costs upon affirming the order or determination.

Sec. 2-905. Administrative law officers – training requirements.

(a) Prior to conducting any administrative adjudication proceeding, an administrative law officer shall have successfully completed a formal training program, approved by the director, which includes the following:

- (1) Instruction on the rules of procedure of the administrative hearings which he or she will conduct;
- (2) Orientation to each subject area of the code violations which he or she will adjudicate;
- (3) Observation of administrative hearings; and
- (4) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

Sec. 2-906. Rules and regulations – available for public inspection.

The rules and regulations promulgated for the conduct of administrative adjudication proceedings shall be published and kept on file in the office of the director where they shall be available to the public for inspection and copying during normal business hours.

Sec. 2-907. General provisions.

The provisions of this article shall apply to administrative adjudication proceedings conducted by the department of administrative hearings to the extent that they are not inconsistent with the provisions of the Code which set forth specific procedures for the administrative adjudication of particular code provisions.

Sec. 2-908. Instituting administrative adjudication proceedings.

Any authorized department, agency, board or commission of the 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.

Sec. 2-909. Adjudication by mail.

The rules adopted by the director for the conduct of administrative adjudication proceedings may provide that a respondent may elect to contest an alleged violation through an adjudication by mail rather than at an administrative hearing.

Sec. 2-910. Notice.

(a) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

(b) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

(c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing: (i) by first class or express mail or by overnight carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business; or (ii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iii) if service cannot be made by either of (i) or (ii) above, when the alleged violator is the owner or manager of the property by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found, not less than 20 days before the hearing is scheduled.

(d) In all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare.

Sec. 2-911. Administrative hearings.

(a) Any administrative adjudication proceeding conducted by the department of administrative hearings shall afford the parties an opportunity for a hearing before an administrative law officer.

(b) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided by the department of administrative hearings for such purpose.

(c) In no event shall the case for the County be presented by an employee of the department of administrative hearings; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department, agency, board or commission of the County, may be presented at the hearing by the administrative law officer.

(d) The administrative law officer may grant continuances only upon a finding of good cause.

(e) All testimony shall be given under oath or affirmation.

(f) The administrative law officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in Section [2-913](#) (relating to subpoenas).

(g) Subject to subsection (j) of this section, the administrative law officer may permit witnesses to submit their testimony by affidavit or by telephone.

(h) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(i) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with Section 2-910 (relating to notice) shall be prima facie evidence of the correctness of the facts specified therein.

(j) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(k) The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.

(l) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with applicable provisions of the County Code or a department's official fine schedule; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the County, where this limitation shall not apply, impose a fine in excess of that authorized by the Code, exclusive of costs of enforcement.

(m) In the issuance of a final determination of liability, an administrative law officer shall inform the respondent of his or her right to seek judicial review of the final determination.

Sec. 2-912. Default.

(a) If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or his or her attorney of record, fails to appear, the administrative law officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and order. A copy of the order of default shall be served in any manner permitted by Section [2-910\(c\)](#) (relating to notice).

(b) The recipient of a notice of violation or a notice of hearing who is found to be in default may petition the administrative law officer to set aside the order of default and set a new hearing date in accordance with Section [2-921](#) (relating to petition to set aside default order).

Sec. 2-913. Subpoenas.

(a) An administrative law officer may issue a subpoena only if he or she determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

- (1) Relevant to the case; and

- (2) Relates to a contested issue in the case.
- (b) A subpoena issued under this chapter shall identify:
 - (1) The person to whom it is directed;
 - (2) The documents or other items sought by the subpoena, if any;
 - (3) The date for the appearance of the witnesses and the production of the documents or other items described in the subpoena;
 - (4) The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena; and
 - (5) The place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.
- (c) In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven days after service of the subpoena.
- (d) Within three business days of being served with a subpoena issued in accordance with this article, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to an administrative law officer, who shall not be the same administrative law officer who ordered the issuance of the subpoena.

Sec. 2-914. Compliance bond.

In order to ensure that code violations are remedied or fines are paid in a timely manner, an administrative law officer, upon issuing a final determination of liability, may require a code violator to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. Bonds and liens shall be approved by the County comptroller and legal counsel as to form and amount. Whenever it is necessary for the County to make repairs or otherwise expend funds relating to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the administrative law officer may, after giving the parties notice and opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose on the lien. The administrative law officer shall order the bond or the titled property or proceeds from the titled property, less the costs incurred by the County, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of applicable fines or costs.

Sec. 2-915. Violations of orders.

- (a) *Elements of the offense.* A person violates this section if he or she:
 - (1) Receives notice and an opportunity to be heard under the Code; and
 - (2) Knowingly fails to comply with an order issued by an administrative law officer under this article, including any requirement of a subpoena.

Each day that the violation occurs shall be considered a separate and distinct offense.

(b) *Defenses.* It shall be an affirmative defense to this section that a court of competent jurisdiction stayed the order issued by the administrative law officer prior to the effective date of the order.

(c) *Prohibited defenses.* It is not a defense to this section that a person:

- (1) Came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or
- (2) Sought judicial review of the order but failed to obtain a stay of the order prior to the date the order by its terms required compliance.

(d) *Sentence.* A person convicted under this section shall be punished by:

- (1) A fine of not less than \$200.00 and not more than \$500.00 for each offense;
- (2) Incarceration for not more than 180 days for each offense; and/or
- (3) An order to perform community service for a period not to exceed 200 hours for each offense.

(e) *Venue.* The State's Attorney shall institute actions under this section in a court of competent jurisdiction.

Sec. 2-916. Seized/unclaimed property.

After an administrative law officer has issued a final determination of liability or no liability, any property seized by the County in relation to the subject matter of the final determination of liability or no liability that is not forfeited by operation of law may be reclaimed by the lawful owner provided that all penalties and fees have been paid. The procedures for the reclamation shall be within the discretion of the department head of the County department, agency, board or commission charged with maintaining custody of the property. After the expiration of time during which judicial review of the final determination of liability may be sought or 35 days after the final determination of no liability, unless stayed by a court of competent jurisdiction, any property not so reclaimed may be disposed of by the County department, agency, board or commission charged with maintaining custody of the property as provided by law.

Sec. 2-917. Review under the Administrative Review Law.

Any final decision by the department of administrative hearings that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law, except as otherwise may be provided by law for decisions issued prior to the effective date of this Ordinance.

Sec. 2-918. Sanctions; transfer or conveyance of property.

(a) The order to correct a code violation and the sanctions imposed by the County against a respondent property owner as the result of a finding of a code violation shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision, and order of a hearing officer under this Article if a notice consisting of a copy of the order to correct a code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder of Deeds by the County prior to the transfer or conveyance to the subsequent transferee or owner.

(b) Nothing in this section shall prevent the County from enforcing or seeking to enforce any order of an administrative law officer in any manner which is in accordance with applicable law.

Sec. 2-919. Collection of unpaid fines or other sanctions.

(a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed.

(b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the circuit court of Cook County for purposes of obtaining a judgment on the hearing officer's findings, decision, and order. Nothing in this Section prevents a county from consolidating multiple findings, decisions, and orders against a person or property in such a proceeding.

(c) Upon commencement of the action, the County shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order were issued and the applicable County ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision, and order does not exceed the amount authorized by ordinance.

(d) If the court is satisfied that the findings, decision, and order were entered properly within the provisions of the applicable county ordinance and that the respondent had an opportunity for a hearing and for judicial review:

- (1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision, and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.

- (2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the hearing officer or to correct a Code violation.

Sec. 2-920. Interest.

Except as otherwise provided by law, interest on any debt due and owing shall accrue at the rate set for interest upon judgments.

Sec. 2-921. Fines payable to the department of revenue.

All fines and other monies paid to the County in accordance with this article shall be remitted to the department of revenue.

Sec. 2-922. Petition to set aside default order.

(a) An administrative law officer may set aside any order entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the administrative law officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the administrative law officer shall proceed with a new hearing on the underlying matter as soon as practical.

(b) If any order is set aside under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated default order and directing the County to refund any fines and/or penalties paid pursuant to the vacated order.

Sec. 2-923. Petition by County department for relief from a final order of liability entered in error.

(a) After an order of liability becomes final, the County department, agency, board or commission which initiated or prosecuted an administrative adjudication before the department of administrative hearings may file a written petition for relief from a final order of liability entered in error with the department of administrative hearings.

(b) The written petition must be filed and signed by the department, agency, board or commission head of the initiating or prosecuting department, agency, board or commission and must set forth facts alleging that the order of liability:

- (1) Was entered in error;
- (2) Is unsupported by the record;
- (3) Is inconsistent with applicable provisions of the Code; and
- (4) Should be vacated to avoid a miscarriage of justice. The authority to file and sign a petition under this section is expressly reserved to the department, agency, board or commission head and may not be delegated to other department, agency, board or commission officials or personnel.

(c) Upon the filing of a written petition by a department, agency, board or commission head, the director of administrative hearings shall schedule a hearing on the petition. The scope of the hearing shall be limited to the merits of the petition and shall not be expanded to constitute a re-litigation of the underlying notice of violation.

(d) If a petition is granted, the final order of liability shall be vacated. If an order is vacated under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated order and directing the County to refund any fines and/or penalties paid pursuant to the vacated order.

Sec. 2-924. Election of remedies.

In no case may the department of administrative hearings conduct an administrative adjudication proceeding for an alleged violation of the County Code where the requested remedy is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the County may elect to institute an action with the department of administrative hearings and thereby waive any imprisonment for the code violation. Nothing in this article, however, shall preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of an administrative law officer, pursuant to Section [2-915](#) (relating to violations of orders).

Sec. 2-925. Other provisions not limiting.

(a) Notwithstanding any other provision of the County Code, all provisions of the code may be enforced by instituting an administrative adjudication proceeding with the department of administrative hearings as provided in this article.

(b) Notwithstanding any other provision of the County Code, any enforcement action which may be exercised by another department, agency, board or commission of the County may also be exercised by the department of administrative hearings; provided, however, that the department shall not have authority to revoke or suspend any County license.

Sec. 2-926. Transition.

The departments, agencies, boards and commissions of County government, authorized by ordinance, shall continue to conduct hearings according to law adopted prior to the effective date of this ordinance until such time as they are notified by the Department of Administrative Hearings to forward matters, for hearing, exclusively to the Department of Administrative Hearings. Upon notification, the departments, agencies, boards and commissions will participate, exclusively, in accordance with hearings as described by the provisions of this article.

Sec. 2-927. General repeals.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 2-928. Appropriations.

The Board of Commissioners shall appropriate such funds annually, as necessary, to carry out the provisions of this Ordinance.

Sec. 2-929. Effective date.

This Ordinance shall take effect January 1, 2009.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-06
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN AND EARLEAN COLLINS
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT AND WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, JOHN P. DALEY,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY, ANTHONY J. PERAICA,
MIKE QUIGLEY, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI AND DEBORAH SIMS
COUNTY COMMISSIONERS**

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 8 Internet, Section 2-320 of the Cook County Code is hereby amended as follows:

Sec. 2-320. Internet advertising.

(a) Definitions. The following terms used in this section shall have the meanings as set forth below:

Advertising means Internet advertising, which may include, but is not limited to, banners and icons that may include links to commercial and/or noncommercial Internet sites. Internet advertising shall not include "spy-ware", "mal-ware" and/or any "viruses" and/or programs considered to be malicious.

Websites means the any current or subsequent sites, websites, Internet pages, and/or web pages of the Offices of the Cook County Assessor, Clerk of the Circuit Court of Cook County and the Cook County Recorder of Deeds, with the respective Internet addresses and/or sub-domains of, www.cookcountyassessor.com, www.cookcountyclerkofcourt.org and www.ccrd.info; these websites are meant to provide the public with information pertaining to the services offered by each of these offices, including relevant forms and searchable data.

(b) The Cook County Assessor, the Clerk of the Circuit Court of Cook County and the Cook County Recorder of Deeds are herein authorized to place commercial and non-commercial advertising on their respective websites, at their discretion. Each Office may make requests for proposals for the purpose of identifying potential advertisers.

(c) Each Office will identify qualified advertisers and qualified advertising material by reviewing the submissions pursuant to the policy considerations as stated in Exhibit A (the Internet Advertising Guidelines), as amended [initially attached to Ordinance No. 07-O-10]. The guidelines are for the purpose of establishing standards for the acceptance of advertisements for the websites.

(d) Each Office is authorized to enter into agreements with qualified advertisers for the purpose of providing advertising space on their websites and charge a fee for that service. The fee charged shall be based on the contract for services between the respective office and the advertiser.

(e) The websites shall be used exclusively to provide information from the Offices of the Cook County Assessor, Clerk of the Circuit Court of Cook County and the Cook County Recorder of Deeds to the public and shall not be used as a public forum.

Effective Date: This amended Ordinance shall be effective upon adoption.

Approved and adopted this 17th day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-07
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, JOSEPH MARIO MORENO,
WILLIAM M. BEAVERS, JERRY BUTLER, JOAN PATRICIA MURPHY AND DEBORAH SIMS
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
GREGG GOSLIN, ELIZABETH “LIZ” DOODY GORMAN, ROBERTO MALDONADO,
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

**PROPERTY TAX BILL MODIFICATION PROPOSAL TO ELUCIDATE
THE DISBURSEMENT OF MONIES TO TAXING AGENCIES**

WHEREAS, in Cook County, the County Treasurer, among other duties, oversees the property tax collection and distribution system and is responsible for printing and mailing bills based on the data provided by other county and state agencies on assessments, exemptions and tax rates, as well as the collection of \$9 billion each year in taxes from the owners of more than 1.6 million parcels of property; and

WHEREAS, the Treasurer is also tasked with the distribution of the collected tax funds to approximately 1,700 local government agencies that have the jurisdiction to collect taxes, including school districts, villages, cities, townships, park and forest preserve systems, libraries, public health and safety agencies, election authorities, economic-development agencies and bonds to pay for public-works projects; and

WHEREAS, it is of paramount importance that the taxpayers of the County of Cook understand how their tax dollars are distributed and used; and

WHEREAS, the County Real Estate Property Tax Bill, as currently fashioned, is a source of confusion for many taxpayers; and

WHEREAS, simple modifications to the current bill format can be implemented in order to properly and more accurately reflect the disbursement of property tax monies to the corresponding government agencies; and

WHEREAS, the proposed modifications include the following: Title – “Consolidated Property Tax Bill”, Categories – created and titled by taxing body, Percentages – next to each category and each tax item, Totals – next to each category and a grand total; and

WHEREAS, these modifications will assist in improving government transparency and understanding of said tax bill, empowering residents with the information necessary to make more informed decisions on how their hard-earned tax dollars are spent;

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Division 4 Treasurer, Section 2-242 of the Cook County Code is hereby enacted as follows:

Sec. 2-242. Consolidated property tax bill; additional information to be included on property tax bill.

In addition to all information currently on the second installment of property tax bills in Cook County, the tax bills shall also include a column titled "Percentage of Total Tax Bill." The "Percentage of Total Tax Bill" column will show, for each taxing district, the percentage of the total tax bill that each taxing district makes up, using the current tax year dollar amount. The column, "Taxing District", shall be broken out into the following categories; "County", "Municipal, local and Township", "School Districts" and "Other", and each taxing district shall be listed within one of the four categories. Each category shall have a subtotal, both in dollar amount and percentage, and there shall be a grand total under the four categories. These modifications will be implemented provided that they fall within the current constraints of the property tax bill, which allows a maximum of twenty-five lines.

Effective date: This Ordinance shall be effective upon adoption.

Approved and adopted this 17th day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-08
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN, PETER N. SILVESTRI AND JOAN PATRICIA MURPHY
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE EARLEAN COLLINS, ELIZABETH “LIZ” DOODY GORMAN
AND GREGG GOSLIN, COUNTY COMMISSIONERS**

ORDINANCE TO ESTABLISH A WOMEN’S JUSTICE SERVICES FUND

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 46 Law Enforcement, Section 46-5 of the Cook County Code is hereby enacted as follows:

Sec. 46-5. Women’s Justice Services Fund.

The Comptroller shall create a special fund to be known as 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 Sheriff’s Office Department of Women’s Justice Services, including mental health and substance abuse treatment services. Fines collected for violations under Sec. 58-167 of the Code, Public Morals Nuisance Violations, shall be accounted for and turned over not less than monthly to the Cook County Treasurer for deposit into such Fund.

Effective Date: This Ordinance shall be effective upon adoption.

Approved and adopted this 17th day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-09
ORDINANCE**

Sponsored by

**THE HONORABLE LARRY SUFFREDIN, PETER N. SILVESTRI AND JOAN PATRICIA MURPHY
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE EARLEAN COLLINS, ELIZABETH "LIZ" DOODY GORMAN
AND GREGG GOSLIN, COUNTY COMMISSIONERS**

PUBLIC MORALS NUISANCE VIOLATIONS

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Section 58-167 of the Cook County Code is hereby enacted as follows:

Sec. 58-167. Public Morals Nuisance Violations.

(a) *Short Title-Purpose.* This section shall be known and may be cited as the Public Morals Nuisance Violation Ordinance. The intent of this ordinance is to abate the demand for prostitution by increasing fines for those individuals patronizing persons in prostitution. The language of this ordinance should not be interpreted to apply to the actions of individuals who attempt to exchange sexual services provided by them for money or things of value.

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

Prostitution. Any person who performs, offers or agrees to perform any act of sexual penetration as defined in this subsection for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

Soliciting of a Prostitute. Any person who performs any of the following acts commits the violation of soliciting for a prostitute:

- (1) Solicits another for the purpose of prostitution; or
- (2) Arranges to meet a prostitute, or offers to arrange a meeting with a prostitute.
- (3) Directs another to a place knowing such direction is for the purpose of prostitution.

Pandering. Any person who performs any of the following acts for any money, property, token, object, or article or anything of value commits pandering:

- (1) Compels a person to become a prostitute; or
- (2) Arranges or offers to arrange a situation in which a person may practice prostitution.

Pimping means any person who receives any money, property, token, object, or article or anything of value from a prostitute, not for lawful consideration, knowing it was earned in whole or in part from the practice of prostitution, commits pimping.

Sexual Penetration means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Public place means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way, within Cook County.

(c) *Street solicitation for prostitution.*

(1) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of soliciting for a prostitute, shall be guilty of a violation of this subsection.

(2) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering shall be guilty of a violation of this subsection.

(3) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of prostitution, shall be guilty of a violation of this subsection. The Sheriff shall make available to local newspapers, radio and television stations the names of all persons charged with violating this subsection.

(4) Any person who engages in pimping as defined in this section, shall be guilty of a violation of this subsection.

(d) *Solicitation by Internet, electronic communication device or print media.*

Any person who utilizes a computer, phone, any electronic communication device or print media (including but not limited to answering ads and messages on commercial adult-themed websites or answering ads in all forms of print media) in the commission of any of the violations set forth in subsection (c) shall be guilty of a violation of this subsection.

(e) *Public Morals Nuisance Violations-Penalties.*

- (1) Any person who violates any provision of subsections (c) and (d) of this Section shall be civilly liable for a public morals nuisance violation and shall be fined not less than \$500.00 and not more than \$1,000.00. In addition to payment of fines imposed under this subsection, a violator may be required to perform a minimum of 100 hours of community service in a program under the direction of the Sheriff.
 - (2) Any violations of subsection (c) and (d) by a county licensee, including but not limited to liquor and roadhouse licensees, may be cause for suspension or revocation of such license.
 - (3) Any motor vehicle that is used in violation of subsection (c) and (d) shall be subject to seizure and impoundment pursuant to Section 58-164.
 - (4) Fines collected under this subsection shall be deposited in the Women's Justice Services Fund established by County Ordinance and shall be used to fund rehabilitation services, including mental health and substance abuse treatment services, provided by and through the Sheriff's Office Department of Women's Justice Services.
- (f) *Administrative Adjudication.* Any person issued a notice of violation by the Sheriff for violation of any provision of this Section may request an administrative hearing.

(1) Notice

- (i) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.
- (ii) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.
- (iii) The County shall notify the violator, within ten days, by certified mail return receipt requested, that an administrative adjudication hearing will be conducted. The hearing shall be scheduled and held, unless continued by order of the administrative law officer, no later than 30 days after the date of the violation.

(g) *Administrative hearings.*

- (1) Any administrative adjudication proceeding conducted by the County shall afford the parties an opportunity for a hearing before an administrative law officer.

- (2) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided for such purpose.
- (3) While the case for the County will not be presented by the administrative law officer; documentary evidence, however, including the notice of violation, which has been prepared by the Sheriff, may be presented at the hearing by the administrative law officer.

- (4) The administrative law officer may grant continuances only upon a finding of good cause.
- (5) All testimony shall be given under oath or affirmation.
- (6) The administrative law officer may permit witnesses to submit their testimony by affidavit.
- (7) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (8) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.
- (9) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
- (10) The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.
- (11) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with this Section or other applicable provisions of the County Code; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the county, where this limitation shall not apply, impose a fine in excess of \$5,000.00 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.
- (12) In the issuance of a final determination of liability, an administrative law officer shall inform the violator of his or her right to seek judicial review of the final determination.
 - (h) *Compliance bond.* In order to ensure that code violations are remedied or fines are paid in a timely manner, an administrative law officer, upon issuing a final determination of liability, may require a code violator to post with the County a compliance bond. Bonds shall be approved by the County Comptroller as to form and amount.

(i) *Hearing procedures not exclusive.* The use of the administrative adjudication procedure for public morals nuisance violations shall not preclude the county from using other methods to enforce the provisions of section 58-167.

(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.

Effective date: This Ordinance shall be effective upon adoption.

Approved and adopted this 17th day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-11
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

**AN ORDINANCE AUTHORIZING THE CIRCUIT COURT CLERK OF COOK COUNTY
TO ESTABLISH A FEE TO FINANCE CHILDREN'S WAITING ROOMS**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 Courts, Article II Fees and Service Charges, Section 18-41 of the Cook County Code is hereby enacted as follows:

Sec. 18-41. Children's Waiting Room Fee.

Beginning on or before February 1, 2009, the Comptroller shall create a special revenue fund to be entitled, "The Children's Waiting Room Fund." Beginning on February 1, 2009, the Clerk of the Circuit Court of Cook County shall collect a mandatory fee of \$10.00 to be assessed as provided in this section. Assessments shall be collected by the Clerk of the Circuit Court and must be remitted monthly by the Clerk to the County Treasurer, to be retained by the Treasurer in the Children's Waiting Room Fund. Expenditure from the Fund shall be made by the County Board in payment of any cost related to the establishment and maintenance of Children's Waiting Rooms, including personnel, heat, light, telephone, security, rental of space, or any other item in connection with the operation of a Children's Waiting Room.

The fee is to be paid as follows:

- 1) The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases.
- 2) No additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance.
- 3) The fee shall not be charged in any matter coming to the Clerk on a change of venue, nor in any proceeding to review the decision of any administrative officer, agency, or body.

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; and

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 Fee Schedule of the Cook County Code is hereby enacted 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 18, COURTS		
18-41	Children's Waiting Room Fee	10.00

Effective date: This Ordinance shall be effective February 1, 2009.

Approved and adopted this 13th day of January 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-15
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

AN AMENDMENT TO THE ORDINANCE PROVIDING FOR A TAX ON TOBACCO

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 cigarettes (“Retail Sale of Cigarettes Tax Ordinance”) on June 1, 1980 and has adopted subsequent amendments; and

WHEREAS, Cook County expends significant resources in the treatment of tobacco related illnesses; and

WHEREAS, the Cook County Board of Commissioners wishes to discourage the use of tobacco by residents of Cook County and to decrease the illegal consumption of tobacco by juveniles; and

WHEREAS, the Cook County Board of Commissioners wishes to make it unlawful to sell or distribute individual unpackaged cigarettes within Cook County; and

WHEREAS, the Cook County Board of Commissioners determined it to be in the best interest of the County that the Cook County Retail Sale of Tobacco Tax Ordinance be amended to require, for enforcement and audit purposes, both wholesale and retail tobacco dealers, to register with Cook County; and

WHEREAS, the Cook County Board of Commissioners wishes to establish a system for receiving citizen reports of “possession for sale of cigarettes without tax stamps” such system may include but not be limited to a telephone and/or text number tip line; and

WHEREAS, the Cook County Board of Commissioners seeks to eliminate the repetitive illegal possession of counterfeit, unstamped or improperly stamped packages of cigarettes in Cook County by imposing a new per package penalty that would require a wholesale tobacco dealer, retail tobacco dealer, or vending machine operator to pay a \$25.00 penalty for each unstamped or improperly stamped package of cigarettes that are in their possession; and

WHEREAS, the Cook County Board of Commissioners seeks to impose a Wholesale Tobacco Dealer redemption penalty equal to 50% of the tax due and increase the general violation penalties from \$500.00 to \$1,000.00 for first time offenders, and from \$1,000.00 to \$2,000.00 for the second and each subsequent offense; and

WHEREAS, the Cook County Board of Commissioners seek to impose a statute of limitations period of “one year” for persons requesting a credit or refund for tax stamps affixed to packages of cigarettes returned to the manufacturer, or damaged tax stamps or expired tax stamps.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-430 through 74-448 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 74-430. Short title; definitions.

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

Sec. 74-431. Definitions.

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

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.

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.

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 and/or tobacco products to the consumer.

Person means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

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.

Retail tobacco dealer means any person who engages in the business of selling cigarettes and/or 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.

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.

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.

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. 06-O-07, § 1, 2-9-2006.)

Sec. 74-432. Cigarette tax imposed; tax stamp purchases; tax collection; un-mutilated or un-altered tax stamps; the unlawful sale of cigarettes, and tip line.

(a) *Cigarette tax imposed.* 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 74-441(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. Any stamp which is defective or unused may be returned to the Department by a wholesale tobacco dealer, who shall thereafter be credited or reimbursed with the amount paid to the Department for such stamps.

(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, 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) *Un-mutilated or un-altered tax stamps.* It shall be unlawful for any retail tobacco dealer to purchase cigarettes from any person unless each package bears an un-mutilated tax stamp affixed thereto and cancelled thereon in the manner required by this article and the rules and regulations of the Department. Possession by a retail tobacco dealer of cigarettes having no stamp affixed and cancelled shall give rise to the prima facie presumption that such cigarettes are possessed by him in violation of the provisions of this article.

(e) *The unlawful sale of cigarettes.* It shall be unlawful for any wholesale tobacco dealer to 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.

(f) *The unlawful sale of cigarettes.* It shall be unlawful for any wholesale or retail tobacco dealer or person to break or otherwise open 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.

(g) *Tip line.* The Director shall establish a system for receiving citizen reports of “possession for sale of cigarettes without tax stamps.” Such system may include but not be limited to a telephone and/or text number tip line, and a website with an email address. The Director shall promulgate rules and regulations to assure a citizen’s anonymity. Any citizen who furnishes information, on forms prescribed by the Department, information that leads to a finding and the collection of a tax liability and / or violation for the possession of cigarettes without tax stamps, the Director or his designee may provide for the citizen to receive a reward of up to but in no event higher than \$1,000.00 for each such finding and tax or violation collection. No Cook County employee shall be eligible for any reward authorized by this section.

Sec. 74-433. 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 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 due under this article, as amended.

Sec. 74-434. 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 the Cook County Uniform Penalties, Interest and Procedures Ordinance [Section 34-60 et seq.].

Sec. 74-435. Rule making.

(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. 74-436. Cigarette tax stamps; agents; and used and unused stamps.

(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) *Used and unused stamps.* 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. 74-437. Registration of wholesale and retail tobacco dealers.

A person commencing business as a wholesale or retail tobacco dealer within Cook County after the adoption of this article, as amended shall register with the Department within 20 days after the effective date of this article or commencement of business.

Sec. 74-438. 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. 74-439. Books and records to be kept.

(a) *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) *Quarterly returns.* A sworn quarterly Cigarette 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 provides 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.].

(c) *Maintaining 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 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.

Books and records kept in compliance with Sec. 439 of this Ordinance shall be made available to the Department upon request for inspection 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. Posting of Signs.

Every retail tobacco dealer may be required to post a sign that has been prescribed and issued by the Department, stating that it is against the law to sell or purchase unstamped packages of cigarettes. The Director will provide the wording and specifications for this sign. The sign shall be posted at the retailer's place of business in a conspicuous location, so that it can be seen by anyone purchasing cigarettes.

Sec. 74-442. Counterfeit or altered tax stamps.

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.

Sec. 74-443. 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 74-432(b) and (d), Subsection 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 74-436(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. 74-444. 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. 74-445. Seizure, unstamped or improperly stamped cigarette penalty, and cigarette redemption penalty.

(a) *Seizure.* Whenever the Department or any of its duly authorized representatives shall discover any cigarettes 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 seize and take possession of such cigarettes together with any vending machine or receptacle in which they are held for sale which, except for money contained in such vending machine or receptacle, shall thereupon be deemed to be forfeited to the County of Cook.

(b) *Unstamped or improperly stamped cigarette penalty.* Notwithstanding any penalties provided for in the Uniform Penalties, Interest and Procedures Ordinance, the Department shall require the wholesale tobacco and/or retail dealers to pay \$1,000.00 or a \$25.00 per package penalty (see below), and including any fees for the seizure and storage of any seized cigarette packages, cigarette-vending machines or receptacles. Any person who is assessed said penalty shall be entitled to protest and request a hearing pursuant to the provisions in the Uniform Penalties, Interest and Procedures Ordinance [Section 34-60 et seq.].

Unstamped or improperly stamped cigarette penalty

Number of Cigarette Packages Confiscated		Penalty Amount
1 to 40	=	\$1,000.00
41 or more	=	\$ 25.00 per package

(c) *Cigarette redemption penalty.* The Department may, within a reasonable time, thereafter, by a public notice given at least five days before the date of the sale, sell such forfeited cigarettes and vending machines or receptacles at public sale and pay the proceeds to the Treasurer of the County of Cook. In the alternative, the Department, shall either destroy or on reasonable notice, 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 50 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. 74-446. 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. 74-447. 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.

Sec. 74-448. Penalties.

Any person determined to have violated this article, as amended, may be subject to a fine of one thousand dollars (\$1,000.00) for the first offense, and a fine of two thousand dollars (\$2000.00) for the second and each subsequent offense. 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. 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.

Effective Date: This Ordinance, as amended, shall take effect and be in force upon passage.

Approved and adopted this 4th day of March 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-0-16
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**AMENDMENT TO THE COOK COUNTY WHEEL TAX
ON MOTOR VEHICLES ORDINANCE**

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 wheel tax on motor vehicles ("Cook County Wheel Tax on Motor Vehicles Ordinance") on January 1, 1972 and has adopted subsequent amendments; and

WHEREAS, it is the Cook County Department of Revenue's intention to promote efficiencies and minimize vehicle sticker processing costs, by proposing to the Cook County Board of Commissioners that the Cook County Wheel Tax On Motor Vehicles Ordinance be amended to eliminate, all four, current no fee vehicle class types (PH, DV, Z and M) and consolidating them into one "NF" no fee class type; and

WHEREAS, to promote additional efficiencies, the Cook County Department of Revenue requests the Cook County Board of Commissioners, to consider, a further amendment to the Cook County Wheel Tax On Motor Vehicles Ordinance which would eliminate the \$5.00 license fee charge that is currently required to be paid by persons 65 years of age and older and including them in the "NF" no fee class type.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-550 through 74-569 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 74-550. Short title.

This article shall be known and may be cited as the "Cook County Wheel Tax on Motor Vehicles Ordinance".

Sec. 74-551. Definitions.

For the purposes of this article the following terms are defined as follows:

Bus means a motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

Larger passenger automobile means a passenger automobile with a curb weight of at least 4,500 pounds, as determined by the vehicle's manufacturer. Ambulances and hearses of more than 35 horsepower are incorporated in the definition of larger passenger automobile.

Moped means a vehicle capable of being powered by either the muscular power of man or as a motor vehicle at the discretion of the operator. For the purpose of licensing, a moped shall be licensed as a motor vehicle.

Motor truck means a motor vehicle designed, used or maintained primarily for the transportation of property.

Motor vehicle means any vehicle including motor bicycle or motor tricycle propelled otherwise than by the muscular power of man or animal, except such as run on rails or tracks.

Owner includes a lessee, licensee, or bailee of a motor vehicle having the exclusive use thereof, under a lease or other similar contractual agreement for a period of not less than 30 days.

Recreational vehicle means every motor vehicle originally designed or permanently converted and used for living quarters or for human habitation, a motor home and not used as a commercial motor vehicle.

Residing within the unincorporated area of Cook County means owning, leasing, or otherwise the controlling of property or a place of business wherein motor vehicles, trailers, or semitrailers are stored, repaired, serviced, loaded or unloaded within the unincorporated area of Cook County in connection with such business.

Semitrailer means a vehicle 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 its load rests upon or is carried by another vehicle.

Smaller passenger automobile means a passenger automobile with a curb weight of less than 4,500 pounds, as determined by the vehicle's manufacturer.

Tractor means any 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.

Trailer means a vehicle 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.

Sec. 74-552. License requirement.

It shall be unlawful for any motor vehicle owner residing within the unincorporated area of Cook County to own, possess, use, or to cause or permit any of his agents, employees, lessees, or bailees to use any motor vehicle upon the unincorporated area of Cook County, unless such vehicle be licensed as hereinafter provided.

Sec. 74-553. Application.

Any person desiring a license for any such motor vehicle or other vehicle shall file an application with the Department of Revenue (Department) in the Bureau of Finance, upon a form provided therefore, which shall set forth the name and address of the applicant, a description of the vehicle for which the license is desired, the place where the same is to be kept when not in use, the number and kinds of other vehicles kept by the said applicant at such place, and in the case of an application for a license for a motor vehicle, for what purpose the same is to be used, and such other information as may be prescribed.

Sec. 74-554. Exemptions including limitations.

All license plates or emblems for vehicles exempt from payment of the vehicle tax shall be furnished by the Department at no charge. This emblem or license plate will have no expiration date and will remain valid for the duration of the ownership of the vehicle.

(a) All vehicles owned and operated upon the public ways of the unincorporated area of Cook County by the United States Government or any agency thereof, or by the State of Illinois or any department thereof, or by any political subdivision, public or municipal corporation of the State of Illinois or any department or other agency of such corporation, or by a nonprofit organization as defined by Section 501(c)(3) of the Internal Revenue Code, as amended, such as the American Red Cross, and all buses owned and operated by churches in conjunction with the authorized activities of said institutions under Section 3-616 of the Illinois Vehicle Code, shall be exempt from the vehicle tax. Every exempt vehicle in this sub-section, except those vehicles owned by the County of Cook which are used by said government agencies in confidential or undercover investigatory services or by an officer of any said agencies as the officer's official car shall have the name of the owner painted in letters at least one and one-half inches in length in a conspicuous place on the outside of each side of the vehicle; provided that in lieu of such identification every vehicle which is exempt from payment of the state motor vehicle registration fee, shall have a license plate or emblem as provided in Sections 74-556 and 74-560 herein and every vehicle owned by the United States Government or any agency thereof, which is not identified as required in this article, shall have such license plate or emblem.

(b) Vehicles owned by a person with disabilities and registered with the State of Illinois under 625 ILCS 5/3-616, shall be exempt from this tax.

(c) Vehicles owned by a disabled veteran, who has provided proof of a disability connected to service in the United States military, shall be exempt from this tax.

A maximum of two (2) vehicles owned by a person over the age of 65 shall upon satisfactory proof of the owner's age be exempt from this tax. This exemption is limited to vehicles in the XSV, XLV, or A class.

Sec. 74-555. Issuance.

Upon the payment by the applicant of the license fee hereinafter provided, the County shall issue, or cause to be issued, a license authorizing the use of such vehicle within the unincorporated area of Cook County.

Sec. 74-556. Fees.

Annual license fees shall be as set out in Section 32-1.

- (1) A self propelled vehicle operated as a tractor and one semitrailer shall be considered as one vehicle in computing the license fees, and no additional license fee shall be required for the semitrailer so used.
- (2) The owner of each vehicle who has elected to pay a mileage tax to the State of Illinois shall be required to be licensed as this article provides.

- (3) A semitrailer used with any device for attaching it to a motor vehicle, a trailer, or other semitrailer, shall be licensed as a trailer.
- (4) All equipment mounted on wheels for transportation and attached to any motor vehicle or leading semitrailer or trailer, using the public ways of the unincorporated area of Cook County, shall be licensed hereunder as trailers.
- (5) If any such vehicle has been purchased or lawfully acquired by the applicant on or after December 1 of any current year, the fee to be paid shall be a sum equal to one-half of the annual license fee, specified in Section 32-1, as a license fee for the balance of such year. Before any applicant shall be entitled to a prorated license as provided for in this section, the applicant shall furnish an affidavit in a form satisfactory to the Department stating that the vehicle for which the license is applied for was purchased or otherwise obtained by the applicant on or after December 1 of the current year, and shall exhibit to the Department the bill of sale covering the vehicle for which the license is sought.

Sec. 74-557. Effective dates.

This article shall be effective on January 1, 2006, and thereafter.

Sec. 74-558. Annual license.

(a) *[License to be displayed.]* Annual licenses must be displayed by July 1. Said licenses shall be valid until June 30 in the following year.

(b) *New residents* Within 60 days of taking up residence within the unincorporated area of Cook County, a current Cook County Vehicle License must be displayed on the owner's vehicle.

(c) *Newly acquired vehicles.* For any new or used vehicle purchased or acquired after July 1, a valid Cook County Vehicle License must be displayed within 30 days of the date of acquisition.

Sec. 74-559. Motor bicycle plate.

(a) The Department shall deliver to the holder of a license for a motor bicycle, motor tricycle, or trailer, a metal plate or other license emblem which shall bear the word "Cook County" and a number identical with the number of the license, the name of the class to which such vehicle belongs, and the year for which such license is issued.

(b) When such metal plate or other license emblem is delivered to the holder of a license for a motor bicycle, motor tricycle, or trailer, it shall be the duty of such licensee to affix such plate or other license emblem in a conspicuous position so that the plate or other license emblem can be easily seen upon the rear end of such motor bicycle, motor tricycle, or trailer.

Sec. 74-560. Window sticker.

(a) Except for those who receive a sticker under Section 74-557 of this article, the Department shall deliver to the holder of any license for any automobile, motor truck, motor ambulance or hearse, motor coach or motor bus, a sticker license emblem, which shall bear the words "Vehicle Sticker" and "County of Cook" and the numerals designating the year for which such license is issued, the name of the County Board President, and a number identical with the number of such license.

(b) Such sticker emblem shall be affixed, in accordance with the instructions printed thereon which are made a part hereof, and without the use of supplemental adhesives, at the lower right-hand corner of the inside of the glass portion of the windshield of such motor vehicle, approximately one inch from the right-hand lower sections of the frame of such windshield.

(c) The Department shall change annually the predominant background colors of such sticker emblems.

(d) The Department shall deliver to the holder of any license issued under Section 74-557 of this article a sticker license emblem which shall bear the words "Vehicle Sticker" and "County of Cook", the name of the County Board President, and a number identical with the number of such license.

Sec. 74-561. Removal upon sale.

(a) Immediately upon the sale of any vehicle licensed under this article, when such sale is made prior to the date of expiration of such license, the vendor shall remove the license tag, plate, transparent sticker, or other license emblem from the vehicle so sold.

(b) Except where a vehicle has been regularly transferred as hereinafter provided in Section 74-564 herein, it shall be the duty of the purchaser of any used automobile or other vehicle to remove and deliver to the vendor or the vendor's agent immediately any license tag, plate, transparent sticker or other license emblem which may be attached to such vehicle at the time of the purchase thereof, when the vendor of such vehicle may have refused, failed or omitted to detach from such vehicle as hereinafter required. It shall be unlawful for any such purchaser to use, sell or offer sale such used automobile or other vehicle without first having removed all license tags, plates, transparent stickers or other license emblems.

Sec. 74-562. Unlawful use on another vehicle.

It shall be unlawful for any person to affix or cause to be affixed any license tag, plate, transparent sticker or other license emblem to any automobile or other vehicle other than the vehicle to which such license tag, plate, transparent sticker or other license emblem was intended to be affixed at the time of the issuance thereof by the Department.

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 \$10.00, 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 \$20.00.

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 \$20.00, 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.

Sec. 74-565. Business vehicle identification.

It shall be unlawful for any person to use or to cause or permit any of a person's employees to use any motor vehicle, or other vehicle, in the transportation of property upon the public ways of the unincorporated area of Cook County unless such vehicle shall have the name and address of the owner thereof, and a serial number distinguishing said vehicle from any other vehicle controlled or used by the same person plainly painted, in the letters at least one and one-half inches in length, in a conspicuous place on the outside of such vehicle, provided that any such person using and operating in the unincorporated area of Cook County more than five such vehicles may cause such name and serial number to be painted on each vehicle as foresaid in letter not less than three inches in length and omit therefrom the address of such person; provided, further, that in event if such vehicle is used or operated continuously by a lessee or bailee or other person having complete control over such vehicle, instead of the owner thereof, the name and address and serial number or name and serial number, as the case may be, of such lessee, bailee or other person using and operating said vehicle may be used as if the person were the owner thereof. Such name, address and serial number, or name and serial number, as the case may be, shall be kept so painted, plainly and distinctly, at all times while such vehicle is in use on the public ways of the unincorporated area of Cook County. This section shall not be construed as applying to any motor vehicle, or other vehicle which is used exclusively for noncommercial purposes.

Sec. 74-566. Right to inspect.

The Cook County Sheriff's Police are hereby authorized to issue citations to any vehicle registered to an address in unincorporated Cook County on the public way in unincorporated Cook County that is not displaying a Cook County vehicle sticker and furthermore, officers of the Cook County Sheriff's Police shall have the authority to enter the following places for purposes of ascertaining whether vehicles parked therein are in compliance with this article and issue citations accordingly:

- (1) Any parking lot that is open to pedestrian traffic. Nothing in this section authorizes any officer to force, break, or remove any lock or door in order to gain entry to any of the foregoing places.

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, driver or motor vehicle in violation of these provisions requiring a license shall be fined not less than \$75.00 per offense nor more than \$150.00 per offense.

(d) *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 or a finding of not guilty by any court or administrative hearing and penalties and fines, contained herein shall be mandatory.

Sec. 74-568. Penalty for unlawful removal.

(a) Except as otherwise provided in 50 ILCS 45/80, any person who shall take, destroy, remove, or obliterate any license tag, plate or emblem provided for in this article, without the consent of the owner of the vehicle, shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Every such wrongful destruction, obliteration or removal of such license tag, plate or emblem from any vehicle shall be considered a separate offense.

(b) Except as otherwise provided in 50 ILCS 45/80, any person violating any provision of this article where the penalty is not otherwise herein provided for shall be fined not less than \$50.00 dollars nor more than \$200.00 for each offense. A separate and distinct offense shall be considered as committed for each and every day any wagon or vehicle is used upon the public ways of the unincorporated area of Cook County without having procured a license and without having complied with the provisions of this article.

(c) The license and fees herein imposed is in addition to all other taxes imposed by the Government of the United States, the State of Illinois or by any unit of local government.

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

Sec. 32-1. Fee schedule.

Class		Annual License Fee (in dollars)
	MOTOR VEHICLES	
MB	Motor bicycles or motor tricycles	25.00
XSV	Smaller passenger vehicles with a curb weight under 4,500 pounds	40.00
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	50.00
NF	Vehicles owned by the United States Government, State of Illinois or units of local government or vehicles owned by non profit 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).	No Fee
SB	Privately owned school buses	15.00
	RECREATIONAL TRAILERS	
RT	All noncommercial recreational trailers, including boat trailers, snowmobile trailers, horse trailers, camping trailers and other noncommercial, nonmotorized recreational trailers	30.00
	COMMERCIAL TRAILERS	
CT	All commercial trailers regardless of gross weight in pounds of vehicle plus its maximum load	75.00
	MOTOR TRUCKS, TRACTOR-SEMITRAILER UNITS AND MOTOR BUSES	
	(Gross weight in pounds of vehicle plus its maximum load)	
A	Up to 10,000 lbs.	50.00
B	10,001 to 20,000 lbs.	75.00
C	20,001 to 36,000 lbs. (2 or more axles)	90.00
D	36,001 to 50,000 lbs. (3 or more axles)	100.00
E	50,001 to 75,000 lbs. (4 or more axles)	115.00
74-565(b)	Annual license fee for dealer license plate or transparent sticker license emblem, each plate or emblem	20.00

Effective Date: This Ordinance amendment shall be effective upon adoption.

Approved and adopted this 4th day of March 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-17
ORDINANCE**

Sponsored by

**THE HONORABLE JOSEPH MARIO MORENO, COUNTY COMMISSIONER
COOK COUNTY CLERK MARRIAGE APPLICATION AUTOMATION FEE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-173 Cook County Clerk Automation Fee is 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.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 Fee Schedule 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:

TABLE INSET:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
CHAPTER 2, ADMINISTRATION		
2-173(a)	Vital records automation fee	2.00
2-173(b)	Marriage application automation fee	5.00

Approved and adopted this 4th day of March 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-18
ORDINANCE**

Sponsored by

THE HONORABLE JOSEPH MARIO MORENO, COUNTY COMMISSIONER

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Division 4 Treasurer, Section 2-242 of the Cook County Code is hereby amended as follows:

Sec. 2-242. Consolidated property tax bill; additional information to be included on property tax bill.

In addition to all information currently on the second installment of property tax bills in Cook County, the tax bills shall also include a column titled "Percentage of Total Tax Bill." The "Percentage of Total Tax Bill" column will show, for each taxing district, the percentage of the total tax bill that each taxing district makes up, using the current tax year dollar amount. The column, "Taxing District", shall be broken out into the following categories; "County", "Municipal, Local and Township", "School Districts" and "Other", and each taxing district shall be listed within one of the four categories. Each category shall have a subtotal, both in dollar amount and percentage, and there shall be a grand total under the four categories. Commonly accepted alternative language and/or abbreviations may be substituted for the above mentioned titles in order to meet form constraints. These modifications will be implemented provided that they fall within the current constraints of the property tax bill, which allows a maximum of twenty-five lines.

Approved and adopted this 17th day of March 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-21
ORDINANCE**

Sponsored by

THE HONORABLE MIKE QUIGLEY, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE ANTHONY J. PERAICA AND PETER N. SILVESTRI
COUNTY COMMISSIONERS**

AMENDMENT TO THE LOBBYIST REGISTRATION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2, Administration, Section 2-633 Information required of registrants of the Cook County Code is hereby amended as follows:

Sec. 2-633. Information required of registrants.

(a) Within 30 days of engaging in any activity which requires such person to register, and subsequently between January 1 and January 20 of each year, every person required to register under Section 2-631 shall file in the office of the Clerk a written statement, subscribed under oath before a notary public, containing the following information:

- (1) The registrant's name, permanent address and temporary address (if any) while lobbying.
- (2) The registrant's business affiliation and business address, or, if none, the statement that the registrant is a sole proprietor.
- (3) With respect to each person on behalf of which the registrant acts as a lobbyist:
 - a. The name, business address, permanent address and nature of the business of the person;
 - b. Whether the relationship is expected to involve compensation or expenditures or both; and
 - c. A brief description of the County matter in reference to which such service is to be rendered.
- (4) The name, business address, and permanent address of each person employed by the registrant to perform such lobbying services or who appears on behalf of the registrant.
- (5) A picture of the registrant.
- (6) Registrants shall pay an annual, nonrefundable, nontransferable filing fee as set out in Section 32-1, per entity and a separate fee per exclusive lobbyist, payable to the Clerk upon filing.

(b) The separate fee, per exclusive lobbyist, as set forth in subsection (a)(6) of this section, shall be waived for employees of nonprofit organizations that are exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, provided such organizations lobby only with their own employees and the employees who lobby work a minimum of 1,000 hours per year for the organization.

(c) In the event any substantial change or addition occurs with respect to the information required by this division to be contained in the registration statement, including the addition or subtraction of a client, an amendment to the statement shall be filed with the Clerk within 14 days.

(d) In addition to other penalties provided in this division, any person filing a late registration under this section shall be assessed a late filing fee as set out in Section 32-1 per day the registration is late, payable to the Clerk upon filing. Any person filing a late registration after January 31 shall also be subject to a penalty of \$100.00 per day, to be levied as set forth in Section 2-637.

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

Approved and adopted this 17th day of March 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-22
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

An Ordinance Amending an Ordinance Adopted on the 17th day of September, 2008, 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 17th day of September, 2008, an ordinance 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 provides that one or more series of general obligation bonds of the County (being, collectively, the “*Project Bonds*”) shall be issued from time to time to pay the costs of certain County construction, acquisition and equipment projects, being the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project and the Capital Equipment Project (being, collectively, the “*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 Board has heretofore and it hereby expressly is determined that it is advisable and necessary to amend the Master Bond Ordinance so as to limit the aggregate amount of Project Bonds to be issued in 2009 for the Projects as follows:

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

Sec. 1. Limitation on Sale of 2009 Project Bonds.

Section 11. A. of the Master Bond Ordinance is hereby amended, said amended Section 11.A. to read as follows:

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 she may deem to be in the best interests of the County; *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, (iii) the aggregate par amount of Bonds to be sold pursuant to the Master Bond Ordinance shall be limited as follows: (a) for the Public Safety Funds Project, the Health Fund Project, and the Corporate Fund Project, collectively, the aggregate par amount shall not exceed the sum of \$242,943,365; (b) for the Capital Equipment Project related to the Duran Consent Decree, the aggregate par amount shall not exceed the sum of \$8,466,741; and (c) for the balance of the Capital Equipment Project, the aggregate par amount shall not exceed that amount expressly authorized by the Corporate Authorities; and (iv) as an additional limitation on the sale of the Refunding Bonds, each such certificate or report (as hereinabove described) must set forth that 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 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. 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. Incidental to each sale of the several Series of Bonds the Chief Financial Officer shall provide the Corporate Authorities a written notification of the sale of such Bonds, which notification shall describe such Series of Bonds in detail.

Sec. 2. 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.

Approved and adopted this 1st day of April 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-26
ORDINANCE**

Sponsored by

**THE HONORABLE JOAN PATRICIA MURPHY, WILLIAM M. BEAVERS,
EARLEAN COLLINS, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, PETER N. SILVESTRI,
DEBORAH SIMS, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

Co-Sponsored by

THE HONORABLE JERRY BUTLER, COUNTY COMMISSIONER

**AN ORDINANCE AMENDMENT PROVIDING PROPERTY TAX RELIEF
TO CERTAIN BUSINESS CLASSIFICATIONS**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sec. 74-70 of the Cook County Code is hereby enacted as follows:

Sec. 74-70. Class 8a Designation / Assessment Class

Class 8a. Real estate that is used primarily for industrial or commercial purposes, which real estate would qualify for a class 8 designation pursuant to Sec. 74-62 thru Sec. 74-64, except for the fact that the qualifying use of the property prior to application for the incentive does not comply with the definition of abandoned property provided for in Sec.74-62(b), can receive a designation as a class 8a property so long as the applicant can show that it has complied with all of the requirements necessary to receive a class 8 designation per Sec. 74-62 thru Sec. 74-64, except for meeting the definition of abandonment provided for in Sec. 74-62(b), but only when the Cook County Board of Commissioners provides a resolution or ordinance in support of such designation absent abandonment.

- (1) The Cook County Board of Commissioners may only provide such a resolution or ordinance in support of class 8a designation absent abandonment when:
 - a. an applicant who collects or transmits sales tax has obtained from the municipality in which the real estate is located or the Cook County Board of Commissioners, if the real estate is located in an unincorporated area, an agreement to abate a portion of the local government’s sales tax generated by the industrial or commercial enterprise located on such real estate and such abatement of sales tax must cover the period of time for which the applicant would qualify for this Class 8a incentive; and
 - b. applicant can demonstrate to the satisfaction of the Cook County Board of Commissioners that due to national and regional economic conditions beyond its control the industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40% in the year it makes application for this incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and

- c. applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that the ongoing industrial or commercial enterprise is not economically viable and as such it will cease operations within sixty-days of the submission of an eligibility application for class 8a designation to the Cook County Assessor, and thereafter the property will become vacant and unused for an extended period of time of at least twenty-four months; and
 - d. applicant provides objective and credible evidence including, but not limited to, an economic impact study that demonstrates to the satisfaction of the Cook County Board of Commissioners that designation as a class 8a property will allow the industrial or commercial enterprise to be economically viable and thereby continue its operations so that the industrial or commercial enterprise can continue to occupy and fully utilize the real estate for an extended period of time.
- (2) Such a resolution or ordinance must contain:
- a. a finding that the Cook County Board of Commissioners has determined that industrial or commercial enterprise has undergone a significant reduction in net operating income of at least 40% in the year it makes application for the incentive as compared to the average net operating income of the industrial or commercial enterprise in the prior three years; and
 - b. a finding that the Cook County Board of Commissioners has determined that class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
 - c. a statement by the Cook County Board of Commissioners that it supports and consents to the designation of the property as a class 8a property absent an abandonment requirement; and
 - d. a statement by the Cook County Board of Commissioners that it supports and consents to the application made to the Cook County Assessor requesting designation as a class 8a property absent an abandonment requirement.
- (3) When the real estate is located in an incorporated area of the county, and designation as a class 8a property is sought using the provisions of this section, the municipality in which the real estate is located must provide to the Cook County Assessor a resolution or ordinance that contains the following:
- a. a finding by the municipality that it has determined that class 8a designation of the property is necessary for the ongoing industrial or commercial enterprise to continue its operations and that without such designation the industrial or commercial enterprise would not be economically viable causing the property to become vacant and unused; and
 - b. a statement by the municipality that it supports and consents to the action by the Cook County Board of Commissioners to support designation of the property as a class 8a property; and

- c. a statement by the municipality that it supports and consents to the class 8a application to the Cook County Assessor; and
- (4) Real estate receiving a class 8a designation pursuant to the provisions of this section shall be assessed at the lowest percentage of market value provided for in Section 74-64 (11), however the term of the incentive will be limited to five years only and such class 8a designation shall not be renewed.
 - a. after the initial application has been approved and granted, if the subject real estate receiving the class 8a designation pursuant to the provisions of this section is sold or the applicant transfers ownership of any portion of the property at any time prior to the five year term of the 8a classification, then the property's 8a classification shall be subject to an eligibility review by the Cook County Board of Commissioners, the municipality, and the Assessor under the procedures set forth in this Ordinance for the remainder of the 5 year term.
- (5) In order for real estate to qualify for a class 8a designation an eligibility application must be made to the Cook County Assessor.
- (6) Class 8a designation can not be applied to real estate unless the following has occurred: application is made to the Cook County Assessor; all required municipal and county ordinances and resolutions are provided to the Cook County Assessor; and the Cook County Assessor determines that the real estate which is the subject of the application for a class 8a designation would qualify for designation as a class 8 property but for the inability to comply with the definition of abandonment pursuant to Sec.74-62(b).
- (7) The Cook County Assessor may adopt rules consistent with this section to determine eligibility for the benefits provided under class 8a.
- (8) Upon receipt of an eligibility application for a class 8a designation, the Cook County Assessor shall forward such application and any supporting documentation provided with such application to the Cook County Board of Commissioners or its designee for consideration as to whether the County Board will provide a resolution or ordinance in support of a class 8a designation absent abandonment.
- (9) Real estate receiving a class 8a designation pursuant to the provisions of this section shall not be eligible for a class 8a designation for any year prior to the assessment year for which an application for the designation is made to the Cook County Assessor.
- (10) The Cook County Board of Commissioners or its designee may adopt rules consistent with this section that may be needed to ensure proper review of information, data and documents submitted in support of a request to the County Board for a resolution or ordinance in support of a class 8a designation as provided for in this section.

- (11) Applicants for a class 8a designation of property can only make such an application for the following assessment years 2008, 2009, 2010, 2011, 2012, 2013 and the Cook County Assessor shall not designate any real estate as class 8a property for assessment year 2018 or thereafter.
- (12) Real estate that receives a designation as a class 8a incentive property will lose such designation and the corresponding reduced level of assessment, if the industrial or commercial enterprise located on the property ceases operations and the subject real estate becomes vacant and unused.
- (13) Real estate that receives a designation as a class 8a incentive property will lose such designation and the corresponding reduced level of assessment upon termination of the required partial sales tax abatement by local government.
- (14) This Section 74-70 of the Real Estate Classification Ordinance will become effective upon passage.

Sec. 74-70. Definitions.

Sales tax means the Retailers' Occupation Tax, the Service Occupation Tax and or the Use Tax.

Secs. 74-72 – 74-99 Reserved.

Approved and adopted this 15th day of April 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-27
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-402, of the Cook County Code is hereby amended as follows:

Sec. 2-402. Office established.

The Office of Chief Financial Officer is hereby established. The Chief Financial Officer shall be a person educated in finance, economics, accounting or public or business administration with experience in financial administration or governmental finance. The Chief Financial Officer or any interim Chief Financial Officer shall be appointed by the President with the approval of the County Board within 30 days of the Board being informed of the appointment. The Chief Financial Officer shall serve at the pleasure of the President and until a successor shall have been appointed and confirmed.

Approved and adopted this 5th day of May 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-0-28
ORDINANCE**

Sponsored by

**THE HONORABLE GREGG GOSLIN, LARRY SUFFREDIN, JOHN P. DALEY,
ELIZABETH “LIZ” DOODY GORMAN, JOAN PATRICIA MURPHY
AND PETER N. SILVESTRI, COUNTY COMMISSIONERS**

AMENDMENT TO COOK COUNTY RETAIL ECONOMIC DEVELOPMENT INCENTIVES

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XV, Sections 74-582 through 74-584, of the Cook County Code is hereby amended as follows:

Sec. 74-582. Definitions.

TIF District means a tax increment allocation financing district created by an Illinois Municipal Corporation under the Illinois law.

Sec. 74-583. Establishment of the Cook County Economic Development Incentives.

(e) Cook County shall match, 50% of the lesser of (1) the dollar amount of any retailers' occupation tax and/or service occupation tax rebate on the same terms as an Illinois Municipal Corporation provides a business or (2) the County's share of retailers' occupation tax revenue and/or service occupation tax revenue generated by said business on the same terms as that Illinois Municipal Corporation provides said business; provided Cook County is satisfied that the projections of the Illinois Municipal Corporation that such rebate (1) will provide additional retail sales and/or will establish or maintain retail jobs in Cook County are reasonable, or (2) will, in the opinion of the Cook County Board, be in the best economic interest of the County. No rebate will be granted to a retailer related to the Cook County Home Rule Use Tax, Code of Ordinances of Cook County, Illinois 74-270 - 74-281.

(f) A business that is unable to create additional jobs and/or generate additional retail sales may still apply to the Department of Planning and Development for a tax rebate. Any business that applies for a rebate and is unable to create additional jobs and/or generate additional retail sales must, as part of its application, establish that it is operated on a full time basis, current on all Cook County taxes and fees, and is compliant with all labor laws, including prevailing wages. Each application shall be considered on an individual basis, and the Department of Planning and Development shall consider a number of factors, including but not limited to the applicant's economic impact study, economic hardship, business viability, the number of jobs the business shall maintain in Cook County, and the amount of tax revenue that the business provides to the Illinois Municipal Corporation at issue. As part of its application for a rebate, a business that is unable to create additional jobs and/or generate additional retail sales shall present evidence to the Department of Planning and Development that but for the rebate, the retailer will be forced to move its business out of Cook County. As part of its application, the business must establish that any tax rebate it receives from Cook County will be used for capital improvements, fixed asset improvements, statutory or other business development expenses, and not as profit. The Department of Planning and Development shall develop further criteria for evaluation of any such application. After reviewing a business's application, the Department of Planning and Development transmit its recommendation to the President, and the matter shall be presented to the Cook County Board for approval.

(g) In order for a business that is unable to create additional jobs and/or generate additional retail sales to be eligible for a tax rebate, the business shall maintain not less than both (1) 250 full time employees, and (2) \$50 Million in retail sales per year.

(h) Cook County shall discourage relocation of a business from one municipality to another by requiring applicants to provide proof of increased sales tax revenues and the increase of jobs in Cook County. Should any business that has received a tax rebate from Cook County subsequently move out of Cook County, the business shall pay Cook County one hundred percent (100%) of any tax revenues rebated to the business during the five (5) years prior to the year the business moved out of Cook County.

(i) Cook County shall terminate an agreement with the Illinois Municipal Corporation and applicant if the Department of Planning and Development regulations are not adhered to or if the Department of Planning and Development determines that any information provided in a business's application for a tax rebate is false, incomplete or inaccurate.

(j) With respect to an applications made pursuant to the provisions of subsections 74-583 (f) and (g) herein above, the Cook County Board will not approve such application, and will terminate any such application which has been approved, in the event real property utilized in the retail business regarding which the application was made, is or has been designated Class 8a pursuant to Cook County Ordinance 09-O-26 approved and adopted April 15, 2009.

Sec. 74-584 County Option to Terminate.

Any application approved by the Cook County Board under the provisions of this Ordinance is subject to termination by the Cook County Board in the event, and as of the effective date, of a change in the Cook County rate of the retailers' occupation tax and/or the service occupation tax which was in effect at the time such application was approved.

Effective date: This Ordinance Amendment shall be effective upon adoption.

Approved and adopted this 5th day of May 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-32
ORDINANCE**

Sponsored by

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

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY, ANTHONY J. PERAICA,
TIMOTHY O. SCHNEIDER, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

**ORDINANCE ADOPTING GUIDELINES FOR THE EXPENDITURE
AND REIMBURSEMENT OF CONTINGENCY FUNDS FOR COUNTY COMMISSIONERS**

WHEREAS, the annual budget for the government of Cook County includes contingency funds for each Commissioner; and

WHEREAS, the contingency fund is provided to each Commissioner to assist the Commissioner in the performance of his or her duties.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article II, Sec. 34-40 of the Cook County Code is hereby enacted as follows:

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

(a) Contingency funds may be provided to assist Commissioners in the execution of official duties.

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

(1) Contingency funds shall be expended for:

- a. Costs relating to attendance at meetings and events, including meals, in the performance of official duties;
- b. Travel and transportation expenses for county functions, meetings and duties. Such expenses may include reimbursement for automobile usage;
- c. Educational programs related to government, finance, or other topics generally associated with the functions of county government;
- d. Newspapers, journals, magazines, or books related to official duties;
- e. Membership fees for community, or civic organizations;

- f. Attendance at civic, social, fraternal, and other events sponsored by community groups and associations, including religious and charitable events, as long as such expenses for attendance are for attendance at such events and not for the general promotion of any particular religious, philanthropic, or charitable mission or objective;
 - g. Costs directly related to the provision of constituent services.
- (2) Funds shall not be utilized for political activities, including, but not limited to:
- a. Travel or transportation expenses to political or fundraising events;
 - b. The printing, publishing, or mailing of materials for political or fundraising events;
 - c. Donations to campaign funds.
- (3) Contingency funds shall not be expended for or accepted as additional income;
- (4) Within 30 days of the end of each quarter of the County's fiscal year, each Commissioner shall submit an expenditure report detailing the expenses incurred by his or her office during that quarter to the Secretary to the Board of Commissioners, supported by:
- a. Mileage logs, fuel receipts, and proof of payment for financing costs associated with a vehicle used in the performance of official duties;
 - b. Copies of travel documents;
 - c. Copies of cancelled checks;
 - d. Course descriptions for qualified educational programs;
 - e. Receipts for or any other records related to expenses specified in this Section.
- (5) The Director of the Cook County Board of Ethics shall determine compliance with this section.
- (6) The Secretary to the Board of Commissioners shall post the expenditure reports described in subsection (b)(4) to a publicly accessible web page within 15 days of receipt.
- (7) Monies expended from the contingency fund found not to be in compliance with the above guidelines shall be returned to Cook County.

Effective date: This Ordinance shall be effective upon adoption.

Approved and adopted this 5th day of May 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-35
ORDINANCE**

Sponsored by

**THE HONORABLE GREGG GOSLIN, PETER N. SILVESTRI, FORREST CLAYPOOL,
ELIZABETH "LIZ" DOODY GORMAN, BRIDGET GAINER, JOHN P. DALEY,
ANTHONY J. PERAICA AND LARRY SUFFREDIN, COUNTY COMMISSIONERS
AMENDS COUNTY ORDINANCE PERTAINING TO ELECTION OF PRESIDENT**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article II President of the County Board, Section 2-41, of the Cook County Code is hereby amended as follows:

WHEREAS, most counties in Illinois are governed by the Executive Model of government whereby the county executive serves as the chief executive officer of the county while the council or legislature serves as the county's legislative body; and

WHEREAS, the Executive Model of government is common not just among counties but governments throughout Illinois including the City of Chicago and Illinois state government; and

WHEREAS, it has been stated that the quality of local democracy will be enhanced by the introduction of a separation of powers; and

WHEREAS, most forms of government do not allow their President or Chief Executive Officer to serve a dual role as a legislator/commissioner; and

WHEREAS, Cook County is unique in that the Illinois Constitution, Article 7, Section 4, subsection (b) allows only Cook County to determine, by ordinance, that the chief executive officer can also serve as a commissioner on the board which they govern; and

WHEREAS, it would better serve the residents of Cook County to have a separation of power between the executive and legislative branches.

NOW, THEREFORE, BE IT ORDAINED, that to be consistent and fair to all residents of Cook County the Cook County Board of Commissioners does hereby amend the Cook County Code, Chapter 2 Administration, Article II President of the County Board, Section 2-41, to read as follows:

(a) *Election.* The President of the Cook County Board shall be elected from the County at large and shall be the Chief Executive Officer of the County. A person seeking election as President of the County Board may not simultaneously seek election as a member of the Board.

Effective Date: This Ordinance Amendment is effective immediately upon passage.

Approved and adopted this 19th day of May 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-36
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT
AND ROBERTO MALDONADO, JOAN PATRICIA MURPHY AND PETER N. SILVESTRI
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JOHN P. DALEY, ELIZABETH “LIZ” DOODY GORMAN,
JOSEPH MARIO MORENO, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

COOK COUNTY GREEN CONSTRUCTION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Article IX Green Construction, Sections 30-950 through 30-955 of the Cook County Code are hereby enacted as follows:

ARTICLE IX. GREEN CONSTRUCTION

Sec. 30-950. Board of Commissioners findings.

(a) Diesel exhaust particle pollution poses a clear and present health risk to the people of Cook County. The United States Environmental Protection Agency has classified diesel exhaust as a likely human carcinogen, and has identified diesel particulate matter and diesel exhaust organic gases as toxic air pollutants. Diesel exhaust is also a prime contributor to airborne fine particle pollution that is linked to premature death and other serious cardiovascular and pulmonary problems such as heart attacks, abnormal heart rhythms, atherosclerosis, stroke, asthma attacks, permanent respiratory damage and retardation of lung growth in children.

(b) Cook County is a US EPA designated non-attainment area for fine particulate matter pollution.

(c) The health impacts from diesel emissions particularly affect children, the elderly, and people with weakened immune systems.

(d) Particularly high concentrations of diesel emissions often occur in heavily traveled transportation corridors, intermodal yards, bus depots, and construction sites; these diesel “hot spots” often are found in densely populated, urban areas, disproportionately impacting ethnic minorities and people of lower economic status.

(e) Diesel engine crankcases also are a source of emissions that can seep into the cabin and expose vehicle drivers and passengers to harmful diesel emissions.

(f) Diesel exhaust also contains black carbon emissions, which contribute to global climate change.

(g) Reduction of diesel emissions can help address these human health and environmental problems.

(h) The United States Environmental Protection Agency has enacted requirements over the past few years requiring the substantial reduction of emissions from new diesel engines in both heavy-duty highway vehicles and land-based non-road equipment. However, these regulations do not apply to any of the over 11 million existing diesel engines in the United States, most of which emit substantially more pollution and often remain in service for 10 to 30 years, depending on the type of engine and equipment.

(i) Practical, cost-effective measures to substantially reduce diesel particulate emissions are available today, and can be applied to many existing diesel engines. The same technology that limits diesel pollution from new diesel engines can be retrofitted onto existing engines or applied in new replacement engines to reduce diesel emissions by 85% or better.

(j) Therefore, the purpose of this ordinance is to minimize the public health risks from exposure to diesel particulate emissions as expeditiously as practicable.

Sec. 30-951. Definitions.

CARB means the California Air Resources Board.

County as used in this chapter (with the exception of the use of the words to describe or identify the Government or Board of Commissioners thereof), means all of the territory in the County exclusive of the City of Chicago.

Department means the Cook County Department of Environmental Control.

Fleet means one or more diesel vehicles or mobile or stationary diesel engines owned or operated by the same person or group of related persons.

Heavy duty diesel vehicle means a motor vehicle with a gross vehicle weight rating of at least 8,500 pounds that is powered by a diesel engine.

Level 1 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 25% or more from uncontrolled engine emission levels.

Level 2 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 50% or more from uncontrolled engine emission levels.

Level 3 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 85% or more from uncontrolled engine emission levels, or that reduces emissions to less than or equal to 0.01 grams of PM per brake horsepower-hour. Level 3 Control includes repowering or replacing the existing diesel engine with an engine meeting USEPA's 2007 Heavy-duty Highway Diesel Standards (66 Fed. Reg. 5002), or in the case of a nonroad engine, an engine meeting the USEPA's Tier 4 Nonroad Diesel Standards (69 Fed. Reg. 38958); Level 3 Control also includes new diesel engines meeting said emissions standards.

Motor vehicle means any self-propelled vehicle designed for transporting persons or property on a street or highway, including an on-road diesel vehicle.

Nonroad engine means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not a stationary source, except that this term shall apply to internal combustion engines used to power generators, compressors or similar equipment used in any construction program or project.

Nonroad vehicle means a vehicle or equipment that is powered by a nonroad engine, fifty horsepower and greater, and that is not a motor vehicle or a vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers and similar equipment; nonroad vehicles do not include locomotives or marine vessels.

Prime Contractor means any person or business entity that enters into a public works contract with Cook County.

Public works contract means a contract, budgeted at \$2,000,000 or more, with a County agency for a construction program or project bid by Cook County involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; a contract with a County agency for the preparation for any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; or a contract with a County agency for any final work involved in the completion of any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge.

Stationary generators means a non-mobile machine that uses diesel fuel to produce electrical energy.

Subcontractor means any person or business entity that enters into a contract with a Prime Contractor as defined herein to perform work on a public works contract with Cook County.

Ultra low sulfur diesel fuel means diesel fuel that has a sulfur content of no more than fifteen parts per million.

US EPA means the United States Environmental Protection Agency.

Verified diesel emission control device means:

- (a) an emission control device or strategy that has been verified to achieve a specified diesel PM reduction by USEPA or CARB; or
- (b) replacement or repowering with an engine that is certified to specific PM emissions performance by USEPA or CARB.

Sec. 30-952. Emission reduction.

- (a) Immediately after the effective date of this ordinance, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that all contractors in the performance of such contract shall use Ultra Low Sulfur Diesel fuel for diesel motor vehicles, non-road vehicles, and stationary generators used in the performance of the contract.

(b) Beginning January 1, 2014, for Prime Contractors, and beginning January 1, 2016 for Subcontractors, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that a Prime Contractor and all Subcontractors in the performance of such contract shall not operate any heavy-duty diesel vehicle in the performance of a public works contract unless that vehicle has installed Level 3 Controls and unless such controls are properly maintained and operating (as provided by regulations promulgated pursuant to this act). Except that, upon provision by the Prime Contractor or Subcontractors to the agency of appropriate and sufficient documentary evidence:

- (1) Subsection (b) shall not apply to any heavy-duty diesel vehicle on the construction site working three days or less over the life of the project.
- (2) Subsection (b) shall not apply to any heavy-duty diesel vehicle with respect to which the Department makes a written finding that such vehicle cannot be retrofit with Level 3 Controls, in which case such fleet owner or operator shall install Level 2 Controls that are available and appropriate for such vehicle as determined by the Department. If the Department makes a written finding that any such vehicle cannot be retrofit with Level 2 controls, said vehicle shall be retrofit with Level 1 Controls that are available and appropriate for such vehicle as determined by the Department.
- (3) Any heavy-duty diesel vehicle that has operational Level 2 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (b).

(c) Within two years after the effective date of this ordinance, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that all contractors in the performance of such contract shall not operate any diesel non-road vehicle in the performance of a public works contract unless that vehicle has installed Level 2 Controls and unless such controls are properly maintained and operating (as provided by regulations promulgated pursuant to this act). Except that, upon provision by the contractor to the agency of appropriate and sufficient documentary evidence:

- (1) Subsection (c) shall not apply to any diesel non-road vehicle on the construction site working three days or less over the life of the project.
- (2) Subsection (c) shall not apply to any diesel non-road vehicle with respect to which the Department makes a written finding that such vehicle cannot be retrofit with Level 2 Controls, in which case such fleet owner or operator shall install Level 1 Controls that are available and appropriate for such vehicle as determined by the Department.
- (3) Any diesel non-road vehicle that has operational Level 1 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (c).

(d) Beginning January 1, 2014, for Prime Contractors, and beginning January 1, 2016 for Subcontractors, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that a Prime Contractor and all Subcontractors in the performance of such contract shall not operate any diesel non-road vehicle in the performance of a public works contract unless that vehicle has installed Level 3 Controls and unless such controls are properly maintained and operating (as provided by regulations promulgated pursuant to this act). Except that, upon provision by the Prime Contractor or Subcontractors to the agency of appropriate and sufficient documentary evidence:

- (1) Subsection (d) shall not apply to any diesel non-road vehicle on the construction site working three days or less over the life of the project.
- (2) Subsection (d) shall not apply to any diesel non-road vehicle with respect to which the Department makes a written finding that such vehicle cannot be retrofit with Level 3 Controls, in which case such fleet owner or operator shall install Level 2 Controls that are available and appropriate for such vehicle as determined by the Department.
- (3) Any diesel non-road vehicle that has operational Level 2 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (d).

Sec. 30-953. Costs.

All costs associated with meeting these requirements are incidental to the overall contract. No additional time or monies will be granted to the Prime Contractor for compliance with these requirements and any associated regulations.

Sec. 30-954. Compliance.

(a) Thirty days before beginning work, the Prime Contractor shall submit to the Department for approval a list of all heavy-duty diesel vehicles, non-road vehicles, and stationary generators to be used on the project. The list shall include the following:

- (1) Prime Contractor and Subcontractor name and address, plus contact person responsible for the vehicles or equipment.
- (2) Equipment type, manufacturer, engine model year, engine certification (Tier rating), ECM calibration, horsepower, plate, serial number, and expected fuel usage and/or hours of operation.
- (3) For the pollution control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date.

(b) If the Prime Contractor subsequently needs to bring on site equipment not on the list, the Prime Contractor shall submit the request in writing for prior approval. Additional equipment shall comply with all contract conditions.

(c) During periods of inactivity, idling of diesel on-road motor vehicles and non-road vehicles shall be minimized and shall not exceed the time allowed under state and local laws.

(d) Any public works contract shall provide for enforcement of the contract provisions required by Section 3 and penalties for noncompliance of such provisions.

Sec. 30-955. Enforcement.

(a) Any solicitation for a public works contract subject to the provisions of this section and any contract entered into as a result of such solicitation shall include provisions authorizing independent monitoring and inspection of the Prime Contractor and Subcontractor's compliance with the requirements of this section and requiring that the Prime Contractor and Subcontractor comply with this section. The Prime Contractor shall be liable for a fee of \$200 for the review of Prime Contractor and Subcontractor's compliance with the provisions of this section, and the County may withhold and deduct the fee from monies otherwise due the Prime Contractor.

(b) All vehicles and equipment to which these requirements are applicable will be subject to random inspections to ensure full compliance with these requirements. If any equipment is found to be non-compliant, the Prime Contractor, Subcontractor or Supplier must remove or retrofit this equipment or vehicle within 24 hours or be subject to liquidated damages pursuant to subdivision (c) of this section until that piece of equipment or vehicle is removed from Project.

(c) In the event of a violation of any provision of this section, except as provided in subdivision (d) of this section, liquidated damages shall be assessed against the Prime Contractor in the amount of \$5,000 for each violation (with each piece of noncomplying equipment and each day of noncompliance being a separate violation, not to exceed a total of \$50,000 for any one piece of equipment). Said liquidated damages are not imposed as a penalty but as an estimate of the damages that the County will sustain from delay in completion of the work, as well as resultant damages to public health of its citizens, which damages by their nature are not capable of precise proof. The County may withhold and deduct from monies otherwise due the Prime Contractor the amount of liquidated damages due the County.

(d) No Prime Contractor or Subcontractor shall make a false statement or claim with respect to any matter material to compliance with the provisions of this section to the County. Any Prime Contractor or Subcontractor making such a false statement shall pay the County up to \$10,000 for each such statement as liquidated damages pursuant to the provisions of subdivision (c) of this section.

(e) Fees and liquidated damages paid to the County under this section shall be placed in the Cook County Environmental Management Fund.

Sec. 30-956. Regulations.

Within six months of the effective date of this act, the Department shall, after written notice and public hearing, promulgate regulations implementing the provisions of this act.

Effective date: This Ordinance shall take effect upon adoption.

Approved and adopted this 19th day of May 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-37
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT
AND LARRY SUFFREDIN, COUNTY COMMISSIONER**

An Ordinance amending an ordinance adopted on the 17th day of September, 2008, 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 17th day of September, 2008, an ordinance 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 provides that one or more series of general obligation bonds of the County (being, collectively, the “*Project Bonds*”) shall be issued from time to time to pay the costs of certain County construction, acquisition and equipment projects, being the Public Safety Funds Project, the Health Fund Project, the Corporate Fund Project and the Capital Equipment Project (being, collectively, the “*Projects*”); and

WHEREAS, the Board has heretofore previously amended the Master Bond Ordinance so as to limit the aggregate amount of Project Bonds to be issued in 2009 for the Projects; and

WHEREAS, since the adoption date of the Master Bond Ordinance, Congress has enacted the American Recovery and Reinvestment Act of 2009 (the “*Stimulus Act*”), which permits state or local governments to obtain certain tax advantages when issuing certain taxable obligations, referred to as “Build America Bonds,” to finance governmental projects; and

WHEREAS, the Board has heretofore and it is hereby expressly determined that it is advisable and necessary to amend the Master Bond Ordinance to maximize certain of the tax advantages as allowed under the Stimulus Act as follows:

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

Section 1. Definitions.

A portion of Section 1.B. of the Master Bond Ordinance is hereby supplemented and amended, said supplemented and amended portion of Section 1.B. to read as follows:

“*Build America Bonds*” means taxable bonds authorized by the Stimulus Act and as so designated pursuant to this Ordinance, the interest on which, but for Section 54AA of the Code, would be excludable from gross income of the owners thereof under the Code for federal income tax purposes.

“*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.

“*Extraordinary Event*” means a change that has occurred to Section 54AA or 6431 of the Code (as such sections were added by Section 1531 of the Stimulus Act, pertaining to Build America Bonds) or there is any guidance published by the Internal Revenue Service or the United States Treasury with respect to such sections or any other determination by the Internal Revenue Service or the United States Treasury, pursuant to which the County’s 35% cash subsidy payment from the United States Treasury is reduced or eliminated, and which is not the result of any act or omission by the County to satisfy the requirements to qualify to receive the 35% cash subsidy payment from the United States Treasury.

“*Qualified Build America Bonds*” means Build America Bonds that are “qualified bonds” within the meaning of Section 54AA(g) of the Code, for which an issuer is entitled to apply to receive payments equal to 35% of the interest payable on such bonds on any interest payment date pursuant to Section 6431 of the Code.

“*Stimulus Act*” means the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009), enacted February 17, 2009.

“*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 shall be deemed to include Bonds issued as Build America Bonds.

“*Treasury Rate*” means as of any redemption date, the yield to maturity as of such redemption date of United States Treasury securities with a constant maturity (as compiled and published in the most recent Federal Reserve Statistical Release H.15 (519) that has become publicly available on the Determination Date (excluding inflation indexed securities) (or, if such Statistical Release is no longer published, any publicly available source of similar market data)) most nearly equal to (i) the remaining average life of the Bonds to be redeemed, or (ii) the period from the redemption date to the Stated Maturity of the Bonds to be redeemed, as shall be determined by the Chief Financial Officer and set forth in the relevant Bond Order or Indenture; *provided, however*, that if the period from the redemption date to such Stated Maturity is less than one year, the weekly average yield on actually traded United States Treasury securities adjusted to a constant maturity of one year will be used. “Determination Date” means the date which is that number of Business Days prior to the redemption date as shall be set forth in the relevant Bond Order or Indenture.

Section 2. Maximum Maturity Date of Bonds.

A portion of Section 3. of the Master Bond Ordinance is hereby amended, said amended portion of Section 3. to read as follows:

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.

Section 3. Addition of Available Redemption Provisions for the Bonds.

Section 5. of the Master Bond Ordinance is hereby amended and restated, said amended and restated Section 5. to read as follows:

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) the "Make-Whole Redemption Price" hereinafter provided, or (iii) the "Extraordinary Optional Redemption Price" hereinafter provided. 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 ~~by~~ in the manner hereinafter provided. 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.

C. **Make-Whole 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 Business Day, at the “Make-Whole Redemption Price,” which is the greater of (i) one hundred percent (100%) of the principal amount of the Bonds to be redeemed and (ii) the sum of the present value of the remaining scheduled payments of principal and interest to the Stated Maturity of the Bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date on which the Bonds are to be redeemed, discounted to the date on which the Bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at a rate which is equal to or in excess of the adjusted Treasury Rate, plus, in each case, accrued and unpaid interest on the Bonds to be redeemed on the redemption date. The Chief Financial Officer shall confirm and transmit the Make-Whole Redemption Price on such dates and to such parties as shall be necessary to effectuate such make-whole redemption.

D. **Extraordinary Optional Redemption.** If so provided in the relevant Bond Order or Indenture, the Bonds may be redeemable prior to maturity at the option of the County, in whole or in part, upon the occurrence of an Extraordinary Event, at the “Extraordinary Optional Redemption Price,” which is the greater of: (i) one hundred percent (100%) of the principal amount of the Bonds to be redeemed and (ii) the sum of the present value of the remaining scheduled payments of principal and interest to the Stated Maturity of the Bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date on which the Bonds are to be redeemed, discounted to the date on which the Bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at a rate which is equal to or in excess of the adjusted Treasury Rate, plus, in each case, accrued and unpaid interest on the Bonds to be redeemed on the redemption date. The Chief Financial Officer shall confirm and transmit the Extraordinary Optional Redemption Price on such dates and to such parties as shall be necessary to effectuate such extraordinary optional redemption.

E. **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 the aggregate principal amount thereof then Outstanding; *provided, however*, that the portion of any Bond of a denomination of more than the minimum Authorized Denomination to be redeemed shall be in the principal amount of an Authorized Denomination and that, in selecting portions of such Bonds for redemption, the Trustee shall treat each such Bond as representing that number of Bonds of said minimum Authorized Denomination which is obtained by dividing the principal amount of such Bond to be redeemed in part by said minimum Authorized Denomination. 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. 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 in the case of a make-whole or extraordinary optional redemption, 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.

Section 4. Authority to Designate Bonds as Build America Bonds.

Section 11.A. and Section 11.E. of the Master Bond Ordinance are hereby supplemented and amended, said supplemented and amended Section 11.A. and Section 11.E. to read 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 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 Build America Bonds and Qualified Build America Bonds pursuant to the Stimulus Act and have Section 54AA of the Code (and Section 54AA(g) of the Code if such bonds are designated as Qualified Build America Bonds) 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, (iii) the aggregate par amount of Bonds to be sold pursuant to this Ordinance shall be limited as follows: (a) for the Public Safety Funds Project, the Health Fund Project and the Corporate Fund Project, collectively, the aggregate par amount shall not exceed the sum of \$ 242,943,365 (b) for the Capital Equipment Project related to the Duran Consent Decree, the aggregate par amount shall not exceed the sum of \$8,466,741, and (c) for the balance of the Capital Equipment Project, the aggregate par amount shall not exceed that amount expressly authorized by the Corporate Authorities, and (iv) as an additional limitation on the sale of the Refunding Bonds, each such certificate or report (as hereinabove described) must set forth that 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. 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. Incidental to each sale of the several Series of Bonds the Chief Financial Officer shall provide the Corporate Authorities a written notification of the sale of such Bonds, which notification shall describe such Series of Bonds in detail.

E. 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 other documents, 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 Qualified Build America 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 a portion of the Bonds as Qualified Build America Bonds pursuant to the Code;

(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 Qualified Build America 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.

Approved and adopted this 2nd day of June 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-38
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER, PRESIDENT,

JERRY BUTLER AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONERS

WHEREAS, the Board of Commissioners of Cook County serves as the Board of Health and as such oversees the regulatory and programmatic activities of the Cook County Department of Public Health; and

WHEREAS, the Cook County Department of Public Health engages in syndromic surveillance activities, whereby it receives electronic transmissions of information regarding chief complaints reported to emergency departments of area hospitals, particularly those located within suburban Cook County; and

WHEREAS, syndromic surveillance program is an important public health tool with the potential to assist in identifying measures that may reduce the severity of an outbreak of communicable disease; and

WHEREAS, the Cook County Department of Public Health wishes to assure provider participation in this program through clarification of its authority to require emergency departments and other providers, such as urgent care centers, to participate in the syndromic surveillance program; and

WHEREAS, the Cook County Department of Public Health participates in a large number of community initiatives, emergency planning, and routine inspection programs which are often memorialized in memoranda of agreement and the Board has previously, through its proceedings including various resolutions, extended authorization to the Chief Operating Officer of the Cook County Department of Public Health to enter into such agreements; and

WHEREAS, the Cook County Department of Public Health seeks to consolidate and clarify its authorization to enter into various programmatic agreements consistent with Board authorization or direction, in the Board of Health Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38, Article II, Sections 38-32 through 38-40 of the Cook County Code are hereby amended as follows:

Sec. 38-32. Department powers and duties.

The Chief Executive Officer, subject to the control of the Board and to the direction of the Chief of Health Services, have charge of the Department's staff and activities and shall delegate responsibilities to qualified personnel of the Department as necessary to efficiently carry out the activities of the Department pursuant to this article. The Department shall have the following powers and duties:

(1) Enforce and observe all applicable statutes, applicable regulations of the Illinois Department of Public Health, and this article, including Rules and Regulations adopted by the Department pertaining to the preservation of the public's health;

(2) Initiate and carry out, at the direction of the Board, programs and activities of all kinds not inconsistent with law that may be deemed necessary or desirable in the promotion and protection of health and the control of disease or conditions which threaten the public's health;

(3) Adopt and enforce rules and regulations concerning the promotion and protection of the public's health including, but not limited to, rules and regulations requiring the reporting to the Department of circumstances defined by the Department which may result in action by the Department to protect the public's health; or enforce applicable rules and regulations promulgated by other authorities having power to make such rules and regulations;

(4) Cooperate with Federal and State health authorities to combat new or evolving public health threats and, where appropriate, make or adopt public health proclamations, guidelines, bulletins or health advice published or promoted, in any form, by Federal or State health officials pertaining to the preservation of the public's health;

(5) Coordinate the activities of the Department with other County, local, municipal and State offices to provide a coordinated response for the control of diseases or conditions which threaten the public's health;

(6) Identify and study the occurrence of contagious or infectious diseases including, but not limited to, requiring information to be submitted by health providers who operate a state-licensed emergency room, trauma center or urgent care center, transmission of information to state and federal health authorities, and implementation of electronic and other syndromic or diagnostic surveillance systems and activities in conjunction with health providers within the jurisdiction of the Department;

(7) Investigate the existence of any contagious or infectious diseases and take measures necessary to investigate the existence and prevent the spread of dangerously contagious diseases including, but not limited to, directing the performance of physical examinations and tests, the collection of laboratory specimens, the administration of vaccines, medications, or other treatments and the observation and monitoring of persons who may have been exposed to a dangerously contagious disease;

(8) Enforce the regulations of the Department and applicable regulations of the authorities having the power to make such regulations;

(9) Determine when diseases are contagious or epidemic or when a danger to the public's health exists and order those measures deemed necessary to protect the public's health including, but not limited to, the quarantine or isolation of persons or closure of places when such action is required to protect the public's health, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no immediate threat to the public health any longer exists;

(10) Make all necessary sanitary and health investigations and inspections;

(11) Investigate and cause to be abated nuisances affecting the public health with all reasonable promptness in accordance with applicable law, including this article;

(12) Upon request, give professional advice and information to all city, village, incorporated town, and school authorities on matters pertaining to sanitation and public health;

(13) For any suspected violation of this article or state law, enter any building, structure or premises, according to law, for the purpose of determining whether there is a violation of any of the health provisions of this article or the health provisions of State law;

(14) Cause to be confined, and specify the conditions of such confinement, any person who fails to comply with an order of the Department or the Court or who, in the judgment of the Department, may not be relied upon to comply with an order of the Department, where such confinement is necessary to protect the public health;

(15) Cause to be arrested any person who violates an order of the Department or the Illinois Department of Public Health;

(16) In a manner consistent with Federal and State requirements, as applicable, during an occurrence of biological or chemical terrorism or during a declared disaster which threatens the public's health, request, and at sites designated by the CCDPH, receive and cause to be distributed pharmaceutical and medical supplies from the Illinois Pharmaceutical Stockpile, the Strategic National Stockpile and or any additional sources in order to aid the state and local emergency response authorities when local resources have been depleted or when the need for additional resources is reasonably anticipated;

(17) During a declared disaster which threatens the public's health, take such actions as may be requested by the President of the Board or designee in order to protect the health of the residents of the County.

Sec. 38-33. Measures ordered by department.

(a) *Issuance of orders; court petitions.* The Department may order measures it deems necessary to protect the public's health including, but not limited to, an order requiring that a person or a group of persons be quarantined or isolated or that a place be closed and made off limits to the public. Such orders shall be issued with the consent of the person(s) or owner of the place affected or upon the prior order of a court of competent jurisdiction. If, in the judgment of the Department, immediate action is required to protect the public health, the Department may order, on an immediate basis without prior consent or court order, measures it deems necessary to protect the public's health including, but not limited to, an order requiring that a person or a group of persons be quarantined or isolated or that a place be closed and made off limits to the public, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no immediate threat to the public health any longer exists. In addition to other circumstances in which such orders are appropriate, the Department may order that an individual be quarantined or isolated in order to prevent the spread of a dangerously communicable disease when an individual refuses or fails to submit to measures required by the Department in order to investigate whether a person is or may be infected with or capable of communicating a dangerously communicable disease. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as practicable thereafter, obtain the consent of the person or owner or file a petition requesting a court order authorizing the continuation of the order of the Department. Pending a court order on the matter, all Department orders shall remain in full force and effect until lifted by the Department. The County shall make payment of reasonable attorneys' fees, if ordered by the Court, with respect to the representation of indigent persons who object to a Department order.

(b) *Enforcement of orders.* A health care provider licensed in Illinois and a law enforcement officer with proper jurisdiction shall be authorized to enforce orders issued by the Department and orders of the Court with respect to public health measures and shall assist the Department in enforcing such orders.

(c) *Syndromic or Diagnostic Surveillance.* In order to identify, study or reduce the occurrence or transmission of contagious or infectious diseases, the Department may require health providers who operate a state-licensed emergency room, trauma center or urgent care center to submit information electronically pertaining to the symptoms reported to said health providers by their patients and may require other categories of state-licensed health providers including but not limited to laboratories to supply diagnostic information. The Department shall provide appropriate instruction and access to the provider on systems licensed and utilized by the Department for the receipt and transmission of said information and shall enter into an appropriate data sharing agreement with the health providers submitting such information.

(d) *Regulations.* The Department may promulgate rules and regulations as are reasonable and necessary to implement and effectuate the provisions of this section, including rules and regulations providing for due process protections.

Sec. 38-34. Petty cash account.

(a) *Authorization to set up.* The Department of Public Health is hereby authorized to set up a special account in a bank or depository to be known as "Cook County Department of Public Health-Petty Cash Account."

(b) *Persons authorized to draw on account.* The Chief Executive Officer, the Department's Director of Financial Control and a Department employee acting in a fiduciary capacity shall be authorized to sign checks drawn on the aforementioned "Cook County Department of Public Health-Petty Cash Account" for payment of petty cash expenses; provided, however, that all checks so drawn shall be signed by at least two of the three persons so authorized to sign.

Sec. 38-35. Auditing account.

The "Cook County Department of Public Health-Petty Cash Account" shall be audited at the close of each fiscal year by the County Auditor and a report shall be filed with the Board of Commissioners.

Sec. 38-36. Home nursing visits.

The Department of Public Health is hereby authorized to coordinate the providing of home nursing visits to suburban Cook County.

Sec. 38-37. Regulations.

The Department is authorized to issue rules and regulations in carrying out its duties under this article. With the exception of emergency regulations, all regulations of the Department shall be submitted to the Board for approval prior to becoming effective. Upon a determination that the public's health will be endangered unless immediate regulatory action is taken, the Chief Executive Officer may adopt and enforce emergency regulations of the Department which shall remain in effect until the Board has adopted or rejected the emergency regulations or for a period of 90 days, whichever is shorter. All regulations adopted by the Department shall be filed with the County Clerk and shall be available at the main offices of the Department.

Sec. 38-38. Violations; penalty.

(a) Any person who violates the provisions of this article, or any regulations promulgated hereunder, or any Department orders authorized under this article or under applicable law shall be guilty of a Class B misdemeanor and shall be subject to arrest and a fine of \$1,000.00 for each violation.

(b) In addition to any other remedies permitted under this article, the Department or the State's Attorney may file a complaint in the Circuit Court of the County to enjoin any person from violating the provisions of this article, or any regulations promulgated hereunder or any Department orders provided for under this article.

Sec. 38-39. Article as exercise of Home Rule Authority.

This article, as amended from time to time, is promulgated pursuant to the powers of the County of Cook as a home rule unit of local government under the 1970 Illinois Constitution, Article VII, Section 6, and shall supersede all state statutes to the extent that it may be in conflict with them, including without limitation, any of the provisions set forth in 55 ILCS 5/5-25001 et seq., as amended.

Sec. 38-40. Agreements.

The Cook County Department of Public Health, through its Chief Operating Officer, is hereby authorized to enter into and execute agreements on behalf of the County as follows:

(a) to provide public health nursing consultation services to licensed child day care centers as defined in the administrative regulations of the Illinois Department of Children and Family Services (IDCFS) at 89 Ill. Adm. Code 377.2 (2005). The Department will provide technical assistance to licensed child day care centers at a rate of \$90.00 per service hour unless a change in this rate is approved by the Board to assist these facilities in complying with regulatory requirements established by the IDCFS as set forth in paragraph (b) of Section 407.210 of the IDCFS Licensing Standards for Day Care Centers as well as to assist these facilities in complying with Illinois Department of Public Health and IDCFS standards regarding medical reports and childhood immunizations and to provide information regarding the prevention of communicable disease.

(b) to perform inspections of retail food establishments within municipalities at such rates as have been approved by the Board;

(c) to extend or renew, without substantive change, existing software license agreements for syndromic or diagnostic surveillance systems utilized by the Department and previously approved by the Board, provided such extension or renewal does not obligate the County to pay additional license fees;

(d) to receive, transmit, maintain as confidential, study or utilize syndromic or diagnostic information including, but not limited to, agreements with other municipal, county, state and federal public health authorities and with health providers, their respective contractors and their contractor's licensees, to participate in syndromic or diagnostic surveillance activities including agreements to share confidential data, to transmit and receive information using secured web and software systems licensed by the Department, and to perform such other activities as may be necessary to participate in the Department's electronic syndromic or diagnostic surveillance program.

(e) to participate in or coordinate a Medical Reserve Corps or similar volunteer program and to render or to receive emergency mutual aid including provisions for the redistribution, sharing or allocation of supplies, personnel and responsibilities within Cook County and the surrounding counties for purposes of the promotion of public health and emergency preparedness and response;

(f) setting forth the terms pursuant to which an action authorized under this Ordinance to be performed by the Department shall be carried out including, but not limited to, the terms pursuant to which a distribution of medicines, vaccines or supplies is made or received to or from the Illinois Department of Public Health, local health departments or emergency management agencies, municipalities and townships and licensed health providers;

(g) to participate in the Illinois Public Health Mutual Aid System;

(h) to utilize premises within Cook County, without obligation to pay rent, for purposes of public health emergency preparedness and response;

(i) to memorialize responsibilities of program participants in connection with the implementation of public health programs, provided that there is no fiscal obligation imposed upon the County as a result.

Secs. 38-41-38-50. Reserved

Approved and adopted this 16th day of June 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-39
ORDINANCE**

Sponsored by

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER
AND TODD H. STROGER, PRESIDENT**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, BRIDGET GAINER, ELIZABETH "LIZ" DOODY GORMAN,
GREGG GOSLIN, ROBERTO MALDONADO, JOSEPH MARIO MORENO,
JOAN PATRICIA MURPHY, ANTHONY J. PERAICA, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

COOK COUNTY ETHICS ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII, Section 2-586 of the Cook County Code is hereby amended as follows:

ARTICLE VII. ETHICS

Sec. 2-586. Newsletters, brochures, public service announcements, and promotional materials.

(a) County funds and resources may not be used by any elected County official to print or pay for the printing of any newsletters or brochures during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election if the elected County official is a candidate in such primary or general election. A County elected official may not mail, during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election, any newsletters or brochures that were printed at any time using County funds or resources if the elected County official is a candidate in such primary or general election.

(b) This section shall not apply to any informational brochures that are solely related to and accompany any mailing of a property tax bill, notice of property tax assessment, or notice of voter registration or polling place information, or to a brochure mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.

(c) No public service announcement or advertisement that is on behalf of any County administered program and contains the proper name, image, or voice of any elected County official shall be broadcast or aired on radio or television or printed in a commercial newspaper or commercial magazine at any time on or after the date that the elected County official files nominating papers for any elected office, and for any time thereafter that the elected County official remains a candidate for any office.

(d) The proper name or image of any elected official may not appear on any:

- (1) Bumper stickers;
- (2) Commercial billboards;
- (3) Lapel pins or buttons;
- (4) Magnets; or
- (5) Stickers, if designed, paid for, produced, and/or distributed with public funds.

Approved and adopted this 2nd day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk
DAVID ORR, County Clerk

**09-O-40
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

**AMENDMENT TO THE SEIZURE AND IMPOUNDMENT
OF MOTOR VEHICLES ORDINANCE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 58 Offenses and Miscellaneous Provisions, Section 58-164 of the Cook County Code is hereby amended as follows:

Sec. 58-164. Motor vehicles, seizure and impoundment.

(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:

Owner of record of a vehicle means the recorded title holder.

(b) *Owner liability; exceptions.* The owner of record of any motor vehicle, which vehicle is used during the commission of any of the qualified violations as set forth in Section 58-165, shall be liable to the County for an administrative penalty of \$500.00 plus any towing and storage fees applicable under this division. Any such vehicle shall be subject to seizure and impoundment pursuant to this division. This subsection shall not apply if:

- (1) The vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or
- (2) The vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or

(c) *Seizure and impoundment.* Whenever the Sheriff or his agent has probable cause to believe that a vehicle is subject to a seizure and impoundment pursuant to this division, the Sheriff shall provide for the towing of the vehicle to a facility controlled by the County or its agents. Before or at the time the vehicle is towed, the Sheriff shall notify any person identifying himself/herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the alleged violation and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this section. The Sheriff may issue rules and regulations related to this section for enforcement notification procedures and proper forms necessary for administration of this section.

(d) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this division makes a request in person and in writing for a vehicle impoundment hearing within 48 hours after the seizure, a hearing officer of the County shall conduct the vehicle impoundment hearing within 48 hours after the request excluding Saturdays, Sundays and legal holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under Subsection (a), the hearing officer shall order the continued impoundment of the vehicle as provided in this division unless the owner of the vehicle posts with the County a cash bond in the amount of \$500.00 plus any applicable towing and storage fees.

(e) *Notification of impoundment; hearing scheduled; failure of owner to appear; determination; penalty.* Within ten days after a vehicle is seized and impounded pursuant to this division, the County shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this division. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 30 days after the vehicle was seized. The hearing shall be conducted by a hearing officer of the County. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle violated this section and that none of the exceptions described in Subsections (b)(1) and (2) of this section applies, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the County for an administrative penalty in the amount of \$500.00. If the owner of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the County requiring the payment to the County of an administrative penalty in the amount of \$500.00. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond.

(f) *Administrative penalty constitutes debt owing to County.* If an administrative penalty is imposed pursuant to this division, such penalty shall constitute a debt due and owing to the County. If a cash bond has been posted pursuant to this division, the bond shall be applied to the penalty. If a vehicle has been impounded when such a penalty is imposed, the County may seek to obtain judgment against the vehicle or enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this division, a vehicle shall continue to be impounded until:

- (1) The penalty, plus any applicable towing and storage fees, is paid to the County, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or
- (2) The vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law. If the administrative penalty and applicable fees are not paid within 30 days after an administrative penalty is imposed under Subsection (e) of this section against an owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within 30 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 30 days after an action seeking administrative review has been resolved in favor of the County, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles.

(g) Except as otherwise specifically provided by law or this ordinance, no owner, lien holder or other person shall be legally entitled to take possession of a vehicle impounded under this section until the civil penalty and fees applicable under this division have been paid. Notwithstanding the foregoing, a lien holder shall be entitled to take possession of a vehicle impounded under this section by deferring payment of the civil penalty and fees applicable under this division upon submission of the following information to the Sheriff or his designated agent on a form provided for that purpose:

- (1) A copy of Certificate of Title or other competent evidence to demonstrate the filing of the lien with the Illinois Secretary of State or other applicable governmental entity which document shall be certified as a true and correct copy of such document under notary seal; and
- (2) A copy of the installment sales or loan agreement related to the vehicle which document shall be certified as a true and correct copy of such document under notary seal; and
- (3) A sworn statement that the owner/purchaser of the vehicle is in default and that the lien holder has a right under the agreement to reprocess or otherwise foreclose on its lien and that it is repossessing and foreclosing on its lien; and
- (4) A notarized agreement to indemnify and hold harmless the County, the Sheriff and their agents for the release of the vehicle to the lien holder; and
- (5) A written agreement in which the lien holder agrees that it shall conditionally pay to the County up to the sum of the civil penalty and fees applicable under this division from any "Surplus" upon the lien holder's receipt of the funds from the repossession sale of the vehicle pursuant to the Illinois Uniform Commercial Code. The amount of the "Surplus" shall be as defined pursuant to 810 ILCS 5/9-615. The written agreement shall further provide that in the event that the foreclosure sale does not yield enough to pay the full amount owed to the County, then the lien holder shall pay the County as much as is available from the surplus, if any, and the lien holder shall not have any further liability to the County for such sums. The written agreement shall further provide that if the lien holder is required to allow the owner/purchaser to redeem or reinstate the vehicle and/or contract under applicable law, then the amount of the civil penalty and fees applicable under this division shall be due and owing by the owner/purchaser as an expense of retaking, holding, preparing for disposition, processing or disposing as provided in 810 ILCS 5/9-615 and the lien holder shall collect such sum from the owner/purchaser and pay it to the County as a condition of allowing such redemption or re-instatement, unless the owner/purchaser presents a statement from the County or its agent showing that such sum or any part of it has been satisfied, waived or found inapplicable.

(h) Upon the request of a lien holder to obtain possession of a vehicle impounded under this section, the County, the Sheriff or their agent shall provide a lien holder with a statement setting forth the amount of the civil penalty and fees applicable under this division.

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

Approved and adopted this 2nd day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-41
ORDINANCE**

Sponsored by

THE HONORABLE ROBERT B. STEELE, COUNTY COMMISSIONER

CONTRACT MANAGEMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 10, Sections 34-362 through 34-365 of the Cook County Code are hereby enacted as follows:

DIVISION 10. CONTRACT MANAGEMENT

Sec. 34-361. Purpose, applicability and funding.

(a) *Purpose.* The purpose of this Ordinance is to determine that County contracts, of \$1,000,000 or more, are delivered pursuant to the contract period, meeting specifications within the estimated budgeted cost, as approved by the Board of Commissioners.

(b) *Applicability.* This Ordinance shall only apply to contracts of \$1,000,000 or more for the County of Cook and the Bureau of Health and Hospitals Systems.

(c) *Funding.* The Board of Commissioners shall appropriate such funds annually, as necessary, to carry out the provisions of this Ordinance. The Bureau of Finance Grants Coordinator shall annually seek federal and state grants to fund the provisions of this Ordinance and shall annually report to the Board of Commissioners its efforts to secure grant funding. Enforcement of this Ordinance shall not be contingent upon the availability of grant funding.

Sec. 34-362. Information to be contained in contracts.

All County contracts should contain, but not be limited to, the following information:

- (1) Clearly state and define the specifications, contract period and allowable renewals, and procedures for changes;
- (2) Provide for specific measurable deliverables and reporting requirements, including due dates;
- (3) Describe the methods of payment, payment schedules, and escalation factors where applicable;
- (4) Contain performance standards, performance incentives and/or clear penalties and corrective actions for non-performance, with a dispute resolution process. The contract also should include a requirement for a performance bond when appropriate.

- (5) Contain inspection and audit provisions;
- (6) Include provisions for contract termination;
- (7) Include provisions for contract renegotiation, where applicable;
- (8) Tie payments to the acceptance of deliverables or the final product, where possible;
- (9) Contain all standard or required clauses as published in the Request for Proposal (RFP). The contract may also incorporate the RFP itself. Order of precedence should be addressed in case of a discrepancy between the RFP and the body of the contract, for example;
- (10) Contain appropriate signatures, approvals, acknowledgements, or witnesses.

Sec. 34-363. Contract Management.

- (a) User Agency/Department responsibilities are as follows:
 - (1) Assign Contract Manager with the knowledge, skills, ability and time to monitor the contract;
 - (2) Ensure that the Contract Manager is a separate person from the RFP manager and possesses adequate skills and has been trained to serve as a Contract Manager to properly manage the project/contract;
 - (3) When requesting Board approval for contracts with entities that have had previous contracts with the County, all previous Contract Manager's Evaluation of Progress Reports for that entity, for the previous three years, should be submitted to the Board prior to approval of contract.
 - (4) The Purchasing Department may provide staff to assist the User Agency/Department, or office with the provisions of Sec. 34-364(a).
- (b) Contract Manager's Duties:
 - (1) Direct and manage project development from beginning to end; all contract managers shall receive training.
 - (2) Prior to bid acceptance, define project scope, goals and deliverables;
 - (3) Prior to bid acceptance, plan and schedule project timelines and milestones;
 - (4) Track budgets and compare invoices and charges to contract terms and conditions;
 - (5) Ensure that deliverables are received on time and document the acceptance or rejection of deliverables;
 - (6) Fill out Contract Manager's Evaluation of Progress Report on a quarterly basis and submit to the Purchasing Agent.

- (c) Purchasing Agent's Duties:
 - (1) Create uniform Contract Manager's Evaluation of Progress Report forms;
 - (2) Collect the completed Contract Manager's Evaluation of Progress Reports from Using Agency/Departments quarterly;
 - (3) Distribute Contract Manager's Evaluation of Progress Reports to Board of Commissioners on a quarterly basis; to be received and filed.
 - (4) Create minimum standards for contract manager training, which meet the National Contract Managers Association, Institute of Supply Management or National Institute of Government Purchasing standards, and post the minimum training requirements for Contract Managers on the Purchasing Agent's website along with a list of Resources that departments can use to obtain the required training;

(d) After contract completion the User Agency/Department and the Purchasing Agent shall use the Contract Manager's Evaluation of Progress Reports, as an evaluation element for future award decisions with the contractor. When evaluating a contractor, only the previous three years' Contract Manager's Evaluation Reports will be used to evaluate the contractor.

Sec. 34-364. Contract Manager's Evaluation of Progress Report.

(a) The Contract Manager's Evaluation of Progress Report form shall be developed by the Purchasing Agent as a uniform report for all agencies, departments and offices and shall include, at a minimum, the following information:

- (1) Current Date;
- (2) Name of Contractor;
- (3) Contract Number;
- (4) Contract Period;
- (5) Reporting period;
- (6) "Has the Contractor been making satisfactory progress in meeting goals and specifications, as outlined by the Contract during the reporting period?"
- (7) "Is the Contractor on schedule, meeting the timelines set by the Contract?"
- (8) "Have all problems that may adversely affect performance been brought to the attention of the Contract Manager?"
- (9) "Have all deliverables been acceptable and accepted up to this point in the contract?"
- (10) Signature of Contract Manager.

Sec. 34-365. Effective date. This Ordinance shall be effective 90 days after adoption.

Approved and adopted this 2nd day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-42
ORDINANCE**

Sponsored by

**THE HONORABLE ROBERTO MALDONADO AND BRIDGET GAINER
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE LARRY SUFFREDIN AND JOSEPH MARIO MORENO
COUNTY COMMISSIONERS**

ASSESSOR'S COMMERCIAL/INDUSTRIAL MANUAL FEE INCREASE

WHEREAS, the Cook County Assessor's Office provides the taxpayers of Cook County with essential services and information; and

WHEREAS, these important resources are provided to the taxpayers of Cook County at the County's expense; and

WHEREAS, in order to defray the cost of providing these resources the Cook County Board of Commissioners authorizes the charging of fees in order to offset the cost of providing these resources.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 regarding Section 74-35(e) of the Assessor's fee for copy of Commercial/Industrial Manual 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>
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CHAPTER 74, TAXATION

74-35(e)	Division/Consolidation Petitions filed between September 1 and October 31 - 3 tracts	200.00
	Each additional tract	40.00

Approved and adopted this 2nd day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-45
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT
AND JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, JOHN P. DALEY,
EARLEAN COLLINS, BRIDGET GAINER, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, ROBERTO MALDONADO, JOSEPH MARIO MORENO,
ANTHONY J. PERAICA, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI,
DEBORAH SIMS, ROBERT B. STEELE AND LARRY SUFFREDIN
COUNTY COMMISSIONERS**

WHEREAS, thousands of families use Burr Oak Cemetery to serve as their final resting place; and

WHEREAS, the Office of the Cook County Sheriff has spearheaded and actively engaged in an investigation at Burr Oak Cemetery, in cooperation and with the assistance of various offices of Cook County Government, under the authority of the President of the Board of Commissioners and the Cook County Forest Preserve District, uncovering what appears to be desecration of graves and the unauthorized removal of buried remains; and

WHEREAS, there is an ongoing investigation to determine whether Burr Oak Cemetery has been properly operated and managed and whether graves and records have been properly preserved; and

WHEREAS, it has been alleged as a result of the ongoing investigation that employees of the cemetery have desecrated the graves of many men, women and children, violating the laws of our State and the peace and memory of the many buried at the site, in an effort to achieve financial gain; and

WHEREAS, this appalling event has invoked serious concern among family members of the deceased believed to be buried at Burr Oak Cemetery as well as those who have a personal interest with the decedents and are desperate to ensure that the remains of their deceased loved ones who are or may have been buried at Burr Oak Cemetery have not been removed and that their grave sites have not been desecrated or disturbed; and

WHEREAS, in order to aid family members as well as persons with a personal interest as authorized by law in their determination as to whether a decedent was buried at Burr Oak Cemetery, death certificates may need to be obtained from the Cook County Clerk; and

WHEREAS, the Cook County Clerk’s Office keeps official records of deaths that occur in Chicago and suburban Cook County; and

WHEREAS, the Cook County Clerk is required by County Ordinance to charge and collect a fee for the first copy of a death record, and a fee for each additional copy of a death record as set out in the County’s Fee Schedule a Fifteen Dollar (\$15.00) Fee is charged per Death Record for the first copy and in accordance with State Statute, the County Clerk is required to remit Two Dollars (\$2.00) from the collected fee to the State; and

WHEREAS, in effort to further aid families in the search of their buried loved ones at the Burr Oak Cemetery, the Cook County Clerk is hereby authorized and directed to waive the County portion of the vital records fee for death records as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article II, Subdivision II, Section 2-174 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 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 Two Dollar (\$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.

Effective date: This Ordinance Amendment shall become effective upon passage.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-46
ORDINANCE**

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT
AND JOSEPH MARIO MORENO, COUNTY COMMISSIONER**

**PROCEDURES AND FEES FOR HIGHWAY HAUL PERMITS REQUIRED BY
OVERWEIGHT AND OVERSIZE VEHICLES USING COUNTY HIGHWAYS**

WHEREAS, Cook County (the "County") is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-111(a), establishes maximum wheel and axle load and 625 ILCS 5/15-111(b), establishes gross weight limitations, for vehicles traveling on "non-designated" highways, which highways comprise the entirety of the County Highway System; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-102, 103, and 107 establishes maximum dimensions for width, height, and length of vehicles; and

WHEREAS, overweight and oversize vehicles traveling on County Highways cause excessive wear and tear and sometimes damage County Highways because of its heavy and oversized loads; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/15-301, authorizes local authorities upon application and good cause being shown, to issue permits for overweight and other nonconforming vehicles to travel highways under their jurisdiction; and

WHEREAS, Chapter 82 Traffic and Vehicles, Article II, Section 82-41 (b) of the Cook County Code authorizes the Cook County Superintendent of Highways (the "Superintendent") to issue temporary permits to vehicles exceed in load restrictions on County Highways; and

WHEREAS, the Superintendent currently issues such permits at his or her discretion without charge; and

WHEREAS, the County is forced to bear the costs of repairing County Highways damaged by overweight and oversize vehicles; and

WHEREAS, it is in the interest of the citizens of the County that overweight and oversize vehicles that travel on County Highways be regulated and that the owners and operators of overweight vehicles contribute to the care and maintenance of the roads they utilize and be responsible for damage to the roads caused by their vehicles.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 66 Roads and Bridges, Article IV, Sections 66-125 through 66-131 of the Cook County Code are hereby amended as follows:

**ARTICLE IV. PROCEDURES AND FEES FOR HIGHWAY HAUL PERMITS REQUIRED
BY OVERWEIGHT AND OVERSIZE VEHICLES USING COUNTY HIGHWAYS**

Sec. 66-125. Definitions.

County Highway means any County highway as defined by the Illinois Highway Code, 605 ILCS 5/2-204, under the jurisdiction of the County, except for the purposes of this article only County highway shall not include any County highway located within the City of Chicago.

Department means the Cook County Highway Department.

Monthly use means any number of trips over a period of limited continuous operation made by a vehicle to and from the starting point and destination point as designated in the application for a highway haul permit (the "application") subject to limitations imposed by the Superintendent, not to exceed 12 months of limited continuous operation.

Single trip means a one way journey made by a vehicle from the starting point to the destination point as designated in the application. It does not include a return trip from the destination point to the starting point.

Superintendent means the Cook County Superintendent of Highways and/or his designee.

Sec. 66-126. Permits: fees and provisions.

(a) The Superintendent may, upon application in writing and good cause being shown, issue a highway haul permit ("permit") authorizing a vehicle not in conformity with the size and weight limitations of vehicles set forth in Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq., to be operated or moved upon County highways pursuant to the terms and limitations of said permit.

(b) The fees for permits issued pursuant to this article shall be as follows:

(1) *Fees for overweight-axle loads.* Fees for permits to move legal gross weight vehicles, combinations of vehicles and loads with overweight-axle loads, predicated upon an 18,000 pound legal single axle equivalency, and applied on a per-axle basis, shall be as follows:

Single trip:

Axle Weight in Excess of Legal (in pounds)	Single	2-Axle	3-Axle
	Axle	Tandem	Tandem
1--6000	\$5.00	\$5.00	\$5.00
6001--11,000	8.00	7.00	6.00
11,001--17,000	not permitted	8.00	7.00
17,001--22,000	not permitted	not permitted	9.00
22,001--29,000	not permitted	not permitted	11.00

Monthly use (multiply fee by number of months, not to exceed 12 months):

Axle Weight in Excess of Legal (in pounds)	Single	2-Axle	3-Axle
	Axle	Tandem	Tandem
1--6000	\$100.00	\$100.00	\$100.00
6001--11,000	200.00	200.00	200.00
11,001--17,000	not permitted	250.00	250.00
17,001--22,000	not permitted	not permitted	375.00
22,001--29,000	not permitted	not permitted	375.00

- (2) *Fees for overweight-gross loads.* Fees for permits to move vehicles, combinations of vehicles and loads with overweight-gross loads shall be paid at the flat rate fees established in this Subsection (b)(2) for weights in excess of legal gross weights. With respect to fees for overweight-gross loads listed in this subsection (b)(2) and for overweight-axle loads listed in Subsection(b)(1), one fee only shall be charged, whichever is the greater, but not both.

Weight (in pounds)	Single Trip	Monthly Use*
73,281--80,000	\$25.00	\$300.00/vehicle
80,001--100,000	50.00	600.00/vehicle
104,001--200,000	100.00	1,500.00/vehicle
200,001--300,000	150.00	N/A
300,001--400,000	200.00	N/A
Over 400,000	250.00	N/A

* Multiply fee by number of months, not to exceed 12 months.

- (3) Fees for overweight and over dimension vehicles. Fees for permits issued for vehicles, vehicle combinations and loads which are both overweight and over dimension shall be paid at the rate equal to the sum of the applicable flat rate fees for over dimension vehicles, vehicle combinations and loads established in this Subsection (b)(3), plus the applicable flat rate fees for overweight vehicles, vehicle combinations and loads established in Subsection (b)(1) or (2).

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$10.00	\$300.00/vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	20.00	500.00/vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	30.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less		60.00 Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet		70.00 Single trip only

* Multiply fee by number of months, not to exceed 12 months.

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

- (4) *Fees for legal weight but over dimension vehicles, combinations and loads.* Fees for special permits to move over dimension vehicles, shall be paid as follows:

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$30.00	\$300.00/vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	40.00	500.00/vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	55.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less	85.00	Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet	95.00	Single trip only

* Multiply fee by number of months, not to exceed 12 months.

Permits issued under this Subsection (b)(4) shall be for a vehicle, or vehicle combination and load not exceeding legal weights; and, in the case of the limited continuous operation, shall be for the same vehicle, vehicle combination or like load.

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

- (5) *Fees for crossing a County highway.* Fees for special permits to move overweight vehicles, over dimension and overweight vehicles, or combinations of vehicle and loads traveling on a highway under a local jurisdiction which crosses a County highway, shall be paid as follows:

\$10.00 per vehicle for weight up to 160,000 lbs. (includes legal weight/over dimension vehicles, overweight/legal dimension vehicles, and overweight/over dimension vehicles) and \$20.00 per vehicle for weight greater than 160,000 lbs. (overweight/over dimension vehicles and overweight/legal dimension vehicles).

- (6) *Fees for continuous operation of overweight and over dimension vehicles, combinations of vehicles and loads upon the County highways by businesses located on a County highway or within 1 (one) mile of a County highway.* Fees for permits for continuous operation of overweight and over dimension vehicle and loads upon the County highways by businesses located on a County highway or within 1 (one) mile of a County highway, shall be paid as follows:

Travel within two miles of the location of such business which is on or within 1 (one) mile of a County highway is \$100.00 per vehicle per calendar year for gross weight less than or equal to 160,000 lbs. and load width of less than or equal to 14 feet. Travel beyond two miles or for vehicles exceeding the gross weight of 160,000 or exceeding the load width of 14 feet requires a permit at the rate fees established in this Subsection (b).

(7) *Fees for other permits.* The County Board hereby authorizes the Superintendent to issue additional permits for vehicles which do not conform to the requirements of Chapter 15 of the Illinois Vehicle Code not otherwise specified in this Subsection (b), so long as such permits are authorized by Chapter 15 of the Illinois Vehicle Code. The Superintendent is further authorized to establish reasonable fees for such permits, which fees shall be made public by posting a schedule of said fees at the Department offices. The Superintendent shall report to the County Board the schedule of fees established under this Subsection (b)(7) on a yearly basis.

(8) *Fees for special handling.* The County Board hereby authorizes the Superintendent to impose a service charge for special handling of a permit when requested by an applicant, such as same-day expedited issuance of a permit, credit card payment of permit fees or special transmission of a permit. Such charge shall be determined by the Superintendent and shall be not less than the actual cost of such special handling, if any, and not less than \$10.00 per permit for same-day processing.

(c) The Superintendent shall not issue a permit for any vehicle and/or load that is divisible and that can be carried, when divided, within the existing weight and size maximums specified in Chapter 15 of the Illinois Vehicle Code, 625 ILCS5/15-101 et seq.

(d) Engineering inspections assessing work to be done on the County highway related to travel by the permit applicant's overweight vehicle and final inspection, and/or field investigations of the proposed routing will be done by the Department when the Superintendent determines in his judgment that such an inspection or investigation is appropriate. The applicant will be required to pay a fee of \$40.00 per hour for each hour spent by Department personnel engaged in such engineering inspections or field investigations.

(e) When law enforcement escort vehicles are required by the Superintendent for the safety of the motoring public, and if, at the County's option, such escort is provided by the County, the permit applicant will be required to pay a fee of \$40.00 per hour per vehicle based upon pre-estimated time of movement to be agreed upon between the Superintendent and the applicant. The minimum fee paid under this subsection shall be \$80.00 per vehicle.

(f) All fees collected pursuant to this article shall be paid to the Department of Revenue and deposited in the general corporate fund of the County.

(g) The application shall specifically describe the vehicle, its contents to be operated or moved, the particular County highways for which the permit is requested, and whether the permit is requested for a single trip, roundtrip, or for monthly use.

(h) The Superintendent is authorized to grant requests for permits within his or her discretion. He or she may deny any such permit request or, if such permit is issued, limit the number of trips by establishing seasonal or other time limitations within which the vehicle may be operated on the County highways indicated, or otherwise prescribe conditions of operation of such vehicle, ~~why~~ where such limitations, in the judgment of the Superintendent, are necessary to assure against undue wear and tear to the road foundations, surfaces or structures of County highways.

(i) The Superintendent shall not issue a permit unless the applicant shall have furnished a certificate of insurance indicating a minimum insurance coverage limit of the amount of \$1,000,000.00 for general liability, and \$1,000,000.00 for automobile liability so as to save the County harmless from any claim, loss or damage that may result from the granting of a permit or that may arise from or on account of the transportation of overweight and/or oversize vehicles permitted thereby, and further covering payment of all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe, conduit or other facility or appurtenance located within the County Highway right of way that may be damaged by reason of the transportation of such vehicle under a permit. Additional coverage may be required consistent with the regulations of the United States Department of Transportation Bureau of Motor Carrier Safety and the Illinois Commerce Commission.

(j) Every permit issued pursuant to this article shall be carried in the vehicle to which it refers and shall be produced for inspection upon the request of any law enforcement official or the Superintendent. The decision to grant, deny or impose limitations on the issuance of a permit lies within the sole discretion of the Superintendent whose decision is final.

Sec. 66-127. Violation and enforcement.

(a) It shall be unlawful for any person issued a permit under this section, or any employee or agent of such person, to violate any of the terms or conditions of the permit. Each and every single trip per vehicle in violation of the terms or conditions of the permit shall constitute a separate and distinct offense.

(b) It shall be unlawful for any person to operate a vehicle not in conformity with the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code, 625 ILCS 5/15-111, on any County highway without a permit issued for that vehicle by the Superintendent.

It shall be unlawful for any person to operate a vehicle not in conformity with the dimension requirements for width of vehicles in Section 15-102, height of vehicles in Section 15-103, and length of vehicles in Section 15-107 of the Illinois Vehicle Code, 625 ILCS 5/15-102, 103, and 107, on any County highway without a permit issued for that vehicle by the Superintendent.

Each and every single trip per vehicle made in violation of this article shall constitute a separate and distinct offense.

(c) Any person operating a vehicle in violation of this article may be prosecuted and fined in the manner provided by Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-112, 15-113, and 15-301(j).

(d) In addition to any fine imposed, any person who violates this article shall pay all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe conduit or other facility or appurtenance located within County Highway right-of-way that is damaged by reason of the transportation of such vehicle.

(e) If any person violates this article in any manner, three times in one 12-month period of time, the Superintendent may refuse to issue a permit to that person for one year following the date of the third article violation.

Sec. 66-128. Severability.

If any clause, sentence, section, provision or part of this article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional or otherwise unenforceable, the remainder of this article or its application to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

Sec. 66-129. Interpretation.

Any headings of this article are for convenience of reference only and do not define or limit the provisions thereof. Words of any gender shall be deemed and construed to include correlative words of the other genders. Words importing the singular shall include the plural and vice versa, unless the context shall otherwise indicate. All references to any document or statute shall be deemed to include all supplements and/or amendments to any such document or statute. All references to any such person or entity shall be deemed to include any person or entity succeeding to the rights, duties, and obligations of such person or entity in accordance with the terms and conditions of the agreement.

Sec. 66-130. Compliance with all laws.

The vehicles and equipment used to move overweight and over dimension vehicles upon the County highways shall be maintained and operated safely, and shall be properly licensed, registered, insured, operated and equipped in accordance with the Laws of the State of Illinois and/or any political subdivision or administrative agency thereof having jurisdiction.

The requirements of this article apply in addition to all other applicable State and Federal laws, rules and regulations now existing or hereinafter in effect, which in any manner affect the subject matter of this article.

Sec. 66-131. Effective date.

This article shall take effect and be in force commencing 30 days after its adoption. Amendments to this article shall take effect and be in force commencing 30 days after its adoption.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-47
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

**AN ORDINANCE CREATING SPECIAL REVENUE FUNDS FOR THE COLLECTION AND
DISBURSEMENT OF FEES TO FINANCE VARIOUS COURT SERVICES**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 Courts, Section 18-43 of the Cook County Code is hereby enacted as follows:

Sec. 18-43. Special revenue funds for the collection and disbursement of fees.

(a) *A Special Revenue Fund for the financing of the Mental Health Court.* Upon the passage of this Ordinance, the Comptroller shall create a special revenue fund to be entitled, "The Mental Health Special Revenue Fund." The Circuit Court Clerk of Cook County shall transmit the fees generated from Chapter 18, Section 18-36, to the Treasurer for deposit into such Fund which shall only be disbursed to appropriate entities for the operation and administration of a mental health court program within Cook County, in accordance with the terms set forth in Sec. 18-36.

(b) *A Special Revenue Fund for the financing of the Peer or Teen Court.* Upon passage of this Ordinance, the Comptroller shall create a special revenue fund to be entitled, "The Peer Court Special Revenue Fund." The Circuit Court Clerk of Cook County shall transmit the fees generated from Chapter 18, Section 18-37, to the Treasurer for deposit into such Fund which shall only be disbursed by appropriation of the County Board to appropriate entities for the operation and administration of a teen court, peer court, peer jury, youth court or other youth diversion program within Cook County. The Judicial Advisory Committee shall be responsible for the disbursement of the Funds to appropriate programs as grants subject to approval by the Board within Cook County on an annual basis.

(c) *A Special Revenue Fund for the financing of the Drug Court.* Upon passage of this Ordinance, the Comptroller shall create a special revenue fund to be entitled, "The Drug Court Special Revenue Fund." The Circuit Court Clerk of Cook County shall transmit the fees generated from Chapter 18, Section 18-38, to the Treasurer for deposit into such Fund which shall only be disbursed to appropriate entities for the operation and administration of a drug court program within Cook County, in accordance with the terms set forth in Section 18-38.

(d) *A Special Revenue Fund for the financing of the Children's Waiting Room Fee.* Upon passage of this Ordinance, the Comptroller shall create a special revenue fund to be entitled, "The Children's Waiting Room Revenue Fund." The Circuit Court Clerk of Cook County shall transmit the fees generated from Chapter 18, Section 18-41, to the Treasurer for deposit into such Fund which shall only be disbursed to appropriate entities for the operation and administration of the Children's Waiting Rooms within Cook County, in accordance with the terms set forth in Section 18-41.

Effective Date: This Ordinance shall be effective upon adoption.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-51
ORDINANCE**

Sponsored by

THE HONORABLE EARLEAN COLLINS, 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 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.); except the term "person" is limited to natural persons who have attained the age of seventeen (17) years or more.

(b) *Offense of possession of cannabis.* A person commits the offense of possession of cannabis within the unincorporated area of Cook County 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 shall be effective 60 days after passage.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-52
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

COOK COUNTY ANNUAL INSPECTION AND CERTIFICATION OF OPERATION ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Sections 30-231 and 30-233 of the Cook County Code are hereby amended as follows:

Sec. 30-231. Generally.

An annual inspection shall be made by the Department of all fuel-burning, combustion or process equipment or devices coming under the provisions of this chapter, whether or not a certificate of operation or allowable fuel certificate allowing use of such equipment or process has been previously issued by the Director to see that such equipment or process can be so managed and operated that no smoke, particulate, or other matter shall be emitted there from in violation of any emission limitation or other requirement provided under this chapter; provided, however, that no annual inspection shall be required of locomotives, ships, boats, tugs, internal combustion engines, domestic heating plants, or domestic refuse-burning equipment; and provided, also, that where any fuel-burning combustion or process equipment or device has been installed, erected, constructed, reconstructed, altered, added to, or repaired pursuant to a permit issued under Section 30-151, has been inspected in accordance with the requirements of Section 30-232 hereof, and has been in operation less than six months, an annual inspection will not be required until six months from the date such equipment was first put under fire after the completion of such work. Commercial and industrial sites will not require an annual inspection. Inspections of commercial and industrial sites will be conducted on a random schedule as designated by the Director. Upon notice that the equipment has been found to comply with the provisions of the chapter, and after payment of the prescribed fee, the Director shall issue a certificate of operation, which shall be posted in a conspicuous place within the plant. If, at the time of the annual inspection, it is found that the equipment is in such condition that it cannot be operated within the provisions of the chapter, the Director shall give notice in writing to the person owning, operating, or in charge of such equipment of the defects found and order the person to correct, repair, or replace the defective equipment. Failure to comply with this order within 30 days from its date shall be a violation of this section, and the Director is hereby authorized to seal the equipment. No person shall violate the seal on any equipment that has been sealed at the direction of the Director unless authorized by the Director in writing to do so.

Sec. 30-233. Certificate of operation - Issuance; posting.

Certificates of operation will be issued on a schedule determined by the Director. The certificate of operation shall be posted in a conspicuous place at or near the equipment or process. Any certificate of operation may contain such information and certifications as the Director may require. Commercial and industrial sites will receive a certificate of operation from the Department based on information in the Emission Inventory Master File. This file is updated as specified by the Director either (1) based on information and documentation submitted to the Department by the site or (2) by inspection.

Effective Date: This Ordinance shall be in full force and effect immediately upon adoption.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-53
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

AN AMENDMENT TO CHAPTER 32 FEES (ENVIRONMENTAL CONTROL)

WHEREAS, Cook County is a home rule unit of local government pursuant to Article 7, Section 6a of the Illinois Constitution of 1970 with power to regulate those matters which pertain to its government and affairs; and

WHEREAS, the Cook County Department of Environmental Control enforces the Environmental Control Ordinance, which regulates air pollutants, noise, vibration, indoor asbestos abatement, and solid waste management; and

WHEREAS, the Department of Environmental Control charges fees to offset the cost of inspecting and permitting regulated activities and to encourage the prudent use of natural resources.

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>
CHAPTER 30, ENVIRONMENT		
30-96(1)	Filing fee for the evaluation of plans: The first ten units or multiples of ten including domestic incinerators, except domestic heating	20.00
30-96(4)c	Storing inorganic materials with potential of emission to the atmosphere:	
30-97(3)b	Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions: <i>Rated capacity in gallons</i>	
	Less than 10,000	20.00
	10,000 to less than 20,000	30.00
	20,000 to less than 40,000	40.00
	40,000 or more	50.00
30-97 (3)c	Storing inorganic materials with potential of emission to the atmosphere: <i>Rated capacity in gallons</i>	
	10,000 to less than 50,000	20.00
	50,000 to less than 100,000	30.00
	100,000 or more	40.00
	The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.	

30-97(5)	Any device or apparatus to control pollution for each unit: <i>Standard cubic feet per minute</i>	
	Less than 2,000	40.00
	2,000 to less than 5,000	66.00
	5,000 to less than 10,000	82.00
	10,000 to less than 15,000	100.00
	15,000 to less than 20,000	130.00
	20,000 to less than 30,000	164.00
	30,000 to less than 40,000	196.00
	40,000 to less than 100,000	260.00
	100,000 or more	326.00
30-98(1)	Fuel-burning equipment used for space heating, steam and or hot water generation, or generation of power for each unit (except domestic heating):	
30-600	Open burning permit fee schedule:	
30-600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30-600(2)	Open burning fee for each day of occurrence (for each burn)	36.00

Effective date: This Ordinance amendment shall be effective upon adoption.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**09-O-54
ORDINANCE**

Sponsored by

THE HONORABLE GREGG GOSLIN, COUNTY COMMISSIONER

AMENDS CLEAN INDOOR AIR ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Section 30-915 of the Cook County Code is hereby amended as follows:

Sec. 30-901. Smoking policy for County Facilities.

(b) *Reasonable distance.* Smoking is prohibited within 15 feet of an enclosed area of any County facility, except for County owned health facilities in which case smoking is prohibited within 30 feet, so as to prohibit congestion at exits that could constitute fire hazard in the event of an emergency evacuation of the County facility.

Effective date. This Ordinance Amendment shall take effect immediately upon passage.

Approved and adopted this 21st day of July 2009.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk