

**09-O-73  
ORDINANCE**

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ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**AMENDMENTS TO THE ETHICS AND LOBBYIST ORDINANCES**

**WHEREAS**, accountability in government requires greater transparency as to who is lobbying officials and employees on Cook County contracts and decisions; and

**WHEREAS**, the Cook County Ethics Ordinance establishes reporting requirements for individuals and entities lobbying the Cook County Board and Cook County Agencies; and

**WHEREAS**, the Cook County Ethics Ordinance shall be amended to require additional reporting requirements including lobbyist expenditures and lobbyist activities, the creation of an online database as a repository for such reports and allowing for public search of said database; and

**WHEREAS**, the Cook County Ethics Ordinance shall be amended to prohibit former Cook County officials and employees from lobbying the County for a period of one year from the time the official or employee leaves employment with the County; and

**WHEREAS**, the Cook County Ethics Ordinance shall be amended to increase the penalties for late filing to fall in line with the current State of Illinois penalties for late filing; and

**WHEREAS**, all Request for Proposal (RFP) submissions related to Cook County contracts must include the name of any individual lobbyist as well as the lobbying firm used in developing the RFP; and

**WHEREAS**, all Cook County Board Meeting agendas and contract recommendations shall include the identity of any individual lobbyist and/or lobbying firm retained by the proposer of the contract.

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 Administration, Sections 2-580, 2-622 and 2-633 through 2-634 of the Cook County Code are hereby amended as follows:

**Sec. 2-580. Post employment restrictions.**

(a) No former official or employee shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former official or employee shall assist or represent any person in any business transaction involving the County, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.

(c) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of County employment and on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$25,000.00 to the person or entity, or its parent or subsidiary.

(d) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly and for compensation lobby any County official or employee on behalf of any other entity.

(e) The requirements of this section shall not be waived by the Board of Ethics.

(f) This section applies only to persons who terminate an affected position on or after the effective date of this article.

**Sec. 2-622. Definitions.**

*Person* means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

**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, 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) All reports filed pursuant to this section and section 2-634 shall be filed electronically and under oath, according to rules and regulations to be established by the Clerk, as of the date such rules and regulations are promulgated. Reports filed electronically shall be timely if filed by 11:59 p.m. on the established due date. The Clerk shall post the filed reports on the Clerk's website within three (3) business days from the established due date.

(e) 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 \$150.00 per day, to be levied as set forth in Section 2-637.

(f) Within 48 hours of being retained, hired or employed by any person to lobby on that person's behalf, a registrant shall amend the report filed pursuant to this section to include the information required under (a)(3) of this section, as to the person newly retaining the registrant. The Clerk shall post the filed amended reports on the Clerk's website within three (3) business days from the established due date.

#### **Sec. 2-634. Reports.**

(a) Every person so registering shall, so long as the person's activity continues, file with the Clerk between January 1 and January 20 and between July 1 and July 20 two reports under oath a lobbying expenditure report and a lobbying activity report:

- (1) The lobbying expenditure report shall state all expenses made by the person to or for the benefit of a County official or County employee, notwithstanding whether lobbying was occurring at the time of the expenditure, during the previous six months. The report shall show in detail the County official or County employee to whom or for whose benefit such expenditures were made. Expenditures made by the registrant shall include expenditures made by the registrant's employer and/or contractor for whom the registrant is performing lobbying services unless the employer or contractor independently registers and reports pursuant to Section 2-631(3). If the registrant lobbies for more than one person, they shall identify which expenditures were made on behalf of each such person. Any expenditure over \$100.00 shall disclose not only the amount of the expenditure and to whom or for whose benefit such expenditure was made, but also disclose the date of the expenditure, the use and purpose for which the expenditure was made, and the County matter in connection with which the expenditure was made. If the registrant made no such expenditures during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such expenditures.

(2) The Lobbying activity report shall include all lobbying contacts made with County officials or County employees. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the entity on whose behalf the lobbying contact was made, the subject matter of the lobbying contact, including any County contract, involved in the contact. If the lobbyist has a relationship by birth or marriage with the County official or employee lobbied, such relationship shall be stated. If the registrant made no such lobbying contacts during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such contacts.

(b) Individual expenditures which aggregate \$100.00 or less otherwise required to be reported under (a)(1) of this Section may be reported in aggregate amounts without detail, provided that any gift solicited by a County official or County employee must be reported in detail as set forth above, additionally listing the recipient of such gift.

(c) Reports required under (a)(1) of this Section shall include for each client the following aggregate expenses attributable to lobbying activities, to be identified as such: advertising and publications; lodging and travel that are not reported by another registrant; educational or advocacy expenses; honoraria; meals, beverages, and entertainment expenses; political contributions; and gifts.

(d) With respect to each client of the registrant, the registrant shall report the following in the lobbying expenditure report:

- (1) The name, business and permanent address and nature of business of the client and any other business entities on whose behalf lobbying was performed for the same compensation.
- (2) A statement of the amount of compensation.
- (3) The name of each person lobbied and a brief description of the County matter involved.

(e) A registrant who terminates employment or duties which required registration under this division shall give the Clerk, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the lobbying expenditures described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment, and a report of the lobbying activity described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment. The Clerk shall post the filed reports on the Clerk's website within three (3) business days from the established due date. Such notices and reports shall be final and relieve such registrant of further reporting under this division unless and until the person later takes employment or assumes duties that require to again register under this division.

(f) Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein.

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

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

<b>Code Section</b>	<b>Description</b>	<b>Fees, Rates, Charges (in dollars)</b>
<b>CHAPTER 2, ADMINISTRATION</b>		
2-633 (c)	Lobbyist registration, late filing fee, per day	50.00
2-634 (f)	Late filing of report, per day	50.00

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Section 34-152 of the Cook County Code is hereby amended as follows:

**Sec. 34-152. Contracts not adaptable to competitive bidding; requests for proposals or qualifications.**

(a) Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; contracts for printing of Finance Committee pamphlets, controllers estimates, and departmental reports; contracts for the printing or engraving of bonds, tax warrants and other evidence of indebtedness; contracts for ballot cards, printing of election ballots and poll sheets, and moving of election equipment and supplies; contracts for utility services such as water, light, heat, telephone, or telegraph; and contracts for the purchase of magazines, books, periodicals, and similar articles of an educational or instructional nature, and the binding of such magazines, books, periodicals, pamphlets, reports, and similar articles shall not be subject to the competitive bidding requirements of Section 34-151.

- (1) *Criteria for use of requests for proposals or requests for qualifications.* Proposals for contracts not adaptable to competitive bidding shall be solicited through the issuance of requests for proposals ("RFP") or requests for qualifications ("RFQ") unless otherwise authorized by the Board. RFPs and RFQs are appropriate when competitive bidding is not practicable or advantageous to the County. RFPs and/or RFQs may result in the negotiation of a contract with one or more proposers selected as the result of an evaluation process which includes the simultaneous consideration of multiple evaluation factors.
- (2) *Notification.* In order to issue an RFP or RFQ, the Using Department or Elected Official must notify the Purchasing Agent in writing that it intends to issue a RFP or RFQ.
- (3) *Prescribed content of RFPs and RFQs.* All RFPs and/or RFQs shall include such forms and provisions as shall be issued from time to time by the Office of the Purchasing Agent. These forms shall include, but not be limited to: Instructions to Proposers; General Conditions; Cook County Certification and Execution Forms and a Proposer Registration Form which shall include the name and firm of any lobbyist retained for the RFP; and all additional documents as required by the Purchasing Agent. The Using Department or Elected Official shall be responsible for developing appropriate special conditions, a proposer questionnaire and a cost proposal form.

- (4) *Review prior to issuance.* RFPs and/or RFQs shall be submitted to the Office of the Purchasing Agent for review prior to their issuance. In addition to the direct transmittal of the RFP or RFQ to potential firms or individuals, all RFPs and RFQs shall be posted on the County's website. Such posting shall be performed by the Bureau of Technology upon the request of the Office of the Purchasing Agent.
- (5) *Opening of RFPs and RFQs.* The RFPs or RFQs shall be opened in the presence of one or more witnesses after the designated date for submission. A list of firms or individuals offering proposals or responding to RFQs shall be submitted to the Purchasing Agent within 24 hours of RFP or RFQ opening. The contents of the RFP or RFQ shall not be disclosed to competing offerors during the process of negotiation. Any proposer that cancels, withdraws or modifies its proposal after the proposal due date without County approval may result in the proposer being deemed unqualified and may prohibit said proposer from receiving a County contract for a period of one year. A record of proposals shall be prepared and shall be open for public inspection after contract award.
- (6) *Evaluation.* The Using Department or Elected Official shall identify the factors to be used in evaluating proposals, which information shall be set forth in the RFP. These factors include, but are not limited to, price, experience and qualifications of the proposer, the quality and cost effectiveness of the proposal, and the demonstrated willingness and ability of the proposer to satisfy the requirements of the County as described in the request. The Using Department or Elected Official shall evaluate proposals and shall conduct any negotiations of a possible contract with one or more proposers.
- (7) *Discussions.* As provided in the RFP or RFQ, discussions may be conducted with responsible proposers who submit proposals determined to have the greatest likelihood of being selected for a contract for the purpose of clarifying and assuring full understanding of and responsiveness to the County's requirements. Those proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions to proposals may be permitted after submission for the purpose of obtaining best and final proposals before a recommendation is made to the Board of Commissioners. In conducting discussions there shall be no disclosure of any confidential information derived from proposals submitted by competing proposers. If information is disclosed to any proposer, it shall be provided to all competing proposers. Once a proposer has been recommended to and approved by the Board of Commissioners, the Using Department or Elected Official shall finalize the contract terms for the Board's execution consideration.

(8) *Recommendations.* The Using Department or Elected Official shall recommend to the Board of Commissioners that the County enter into a contract with the responsible proposer whose proposal or qualifications is determined in writing by such Using Department or Elected Official to be the most advantageous to the County, taking into consideration price, qualifications and the evaluation factors set forth in the request for proposals. The Using Department or Elected Official shall document the results of its evaluation and the reasons for its recommendation to the Purchasing Agent. The Using Department or Elected Official shall be responsible for requesting that the Board of Commissioners authorize a contract with the recommended proposer, provided that no Using Department or Elected Official shall make such a recommendation without stipulating the known services of a registered lobbyist, including but not limited to any lobbyist listed in the RFP. The recommendation shall include the name of the individual lobbyist and the name of the lobbying firm. The authorization of the Board of Commissioners to enter into a contract shall not result in a contract unless and until the Board has authorized the execution of the final contract documents upon the request of the Purchasing Agent. The Purchasing Agent's request to the Board for contract execution shall be subject to the proposed contractor's compliance with all applicable laws and County procedures and to the Purchasing Agent's review of the subject contract.

(b) The Purchasing Agent is expressly authorized to procure from any Federal, State or local government unit or agency thereof such surplus materials, supplies, commodities, or equipment as may be made available through the operation of any legislation heretofore or hereinafter enacted and to enter into cooperative educational agreements with not-for-profit universities and hospitals without conforming to the competitive bidding requirements of this article. Regular employment contracts in the County service, whether with respect to the classified services or otherwise, shall not be subject to the provisions of this article, nor shall this article be applicable to the granting or issuance pursuant to powers conferred by laws, ordinances, or resolutions or license, permits, or other authorization by the County Board, or by departments, offices, institutions, boards, commissions, agencies or other instrumentalities of the County, nor to contracts or transactions, other than the sale or lease of personal property pursuant to which the County is the recipient of money.

(c) This section shall take effect and be in force from and after its passage and is specifically intended to supersede 55 ILCS 5/5-36001 (Cook County purchasing-contracts for supplies, materials and work), 55 ILCS 5/5-36004 (Cook County purchasing-definitions) and 55 ILCS 5/5-36006 (Cook County purchasing-competitive bids, government surplus materials).

**Effective date:** These Amended Ordinances shall be in effect upon adoption.

Approved and adopted this 6th day of October 2009.

TODD H. STROGER, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk