



**BOARD OF COMMISSIONERS OF COOK COUNTY**

**Cook County Building, Board Room, 118 North Clark Street, Chicago, Illinois**

**BOARD AGENDA**

**for the**

**Meeting of the Board of Commissioners**

**Wednesday, April 13, 2016, 11:00 AM**

**PUBLIC TESTIMONY**

Pursuant to Cook County Code of Ordinances, public testimony will be permitted at regular and special meetings of the Board. Duly authorized public speakers shall be called upon at this time to deliver testimony germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three (3) minutes. The names of duly authorized speakers shall be published in the Post Board Action Agenda and Journal of Proceedings as prepared by the Clerk of the Board.

**CONSENT CALENDAR**

Pursuant to Cook County Code, the Secretary to the Board of Commissioners hereby transmits Consent Calendar Resolutions for your consideration. The Consent Calendar Resolutions shall be published in the Post Board Action Agenda and Journal of Proceedings as prepared by the Clerk of the Board.

**COMMISSIONERS**

**16-2593**

**Sponsored by:** LUIS ARROYO JR, County Commissioner, TONI PRECKWINKLE, President, JOHN P. DALEY, JESÚS G. GARCÍA and LARRY SUFFREDIN, County Commissioners

**PROPOSED RESOLUTION**

**BOYCOTTING THE STATE OF NORTH CAROLINA AND NORTH CAROLINA-BASED BUSINESSES**

**WHEREAS**, on March 23, 2016, the State of North Carolina adopted the *Public Facilities Privacy & Security Act*, which is officially known as an act to provide for single-sex multiple occupancy bathroom and changing facilities in schools and public agencies, and to create statewide consistency in regulation of employment and public accommodations, prohibiting anti-discrimination rules being established except on the basis contained in the state's anti-discrimination laws; and

**WHEREAS**, because the state's anti-discrimination laws do not include discrimination on the basis of sexuality or gender status, the legislation has been widely described as anti-LGBT, due to the act's restriction of the definition of sex to the sex at birth, forcing all government-controlled facilities to maintain single-sex bathrooms for matching biological sex only; and

**WHEREAS**, the process of adoption of this discriminatory law took less than 24 hours, from presentation and vote by the House of Representatives, through a speedy vote by the Senate, ending in official enactment upon the signature of Governor Pat McCrory that same day; and

**WHEREAS**, on March 28, 2016, the American Civil Liberties Union, the ACLU of North Carolina, Lambda Legal, and Equality North Carolina, filed a federal lawsuit challenging House Bill 2, arguing that North Carolina's new law "violates the most basic guarantees of equal treatment and the U.S. Constitution"; and

**WHEREAS**, a number of companies have publicly announced their opposition to the law, including Red Hat, Dow Chemical, Biogen, Wells Fargo, American Airlines, Lowe's, PayPal, Apple, Google, Facebook, Twitter, IBM, Yelp, and Salesforce.com; and on March 29, 2016, an open letter signed by 80 corporate CEOs against House Bill 2 was sent to Governor McCrory; and

**WHEREAS**, as of April 3, 2016, the states of Connecticut, Minnesota, New York, Vermont, and Washington, the District of Columbia, as well as the cities of Boston, Chicago, New York City, Portland, San Francisco, Seattle, and West Palm Beach have issued travel bans in response to House Bill 2, barring government employees from non-essential travel to North Carolina; and

**WHEREAS**, the State of North Carolina has charted an ominous legal course that puts extremist politics before the rights of all of its residents, and betrays our most deeply-held American values; and

**WHEREAS**, North Carolina's House Bill 2 seriously undermines the U.S. Constitution's 14th Amendment which grants Equal Protection by providing that laws in the United States must apply equally to everyone; and

**WHEREAS**, in the words of Justice Anthony Kennedy, when in 1996 the Supreme Court struck down then Colorado's anti-LGBT law in *Romer v. Evans*, this law "...seems inexplicable by anything but animus toward the class it affects; it lacks a rational relationship to legitimate state interests"; and

**WHEREAS**, the most appropriate response, by the taxpayers of Cook County to the State of North Carolina, is to assure that the State of North Carolina's isolation is tangible rather than symbolic; and

**WHEREAS**, Cook County, the 2nd largest county in the nation with a budget of over 3.3 billion dollars and a diverse population of more than five million, should be a leader in protecting the rights of people.

**NOW, THEREFORE, BE IT RESOLVED**, by the Cook County Board of Commissioners that the members of this Board hereby find North Carolina's House Bill 2 to be offensive to the values of the taxpayers of Cook County; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that this Board hereby boycotts the State of North Carolina and North Carolina-based businesses until North Carolina's House Bill 2 is repealed or invalidated; and

**BE IT FURTHER RESOLVED**, that unless and until North Carolina's House Bill 2 is repealed or invalidated, the Cook County Board of Commissioners and the Cook County Departments refrain from, to the extent practicable, and in instances where there is no significant additional cost to the County nor conflict with law, entering into any new, renewed, or amended contracts to purchase goods or services from any company that is headquartered in North Carolina; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that County government will not participate in any conventions or other business, which requires County resources to be spent in the State of North Carolina; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that this Board hereby urges the Illinois General Assembly and the Governor of the State of Illinois to adopt a similar resolution calling for the boycott of the State of North Carolina and North Carolina-based businesses until North

Carolina's House Bill 2 is repealed or invalidated; and

**BE IT FURTHER RESOLVED**, that the Cook County Board of Commissioners hereby directs the Secretary of the Board to send a copy of this Resolution to North Carolina's Governor Pat McCrory.

This Resolution shall take effect immediately upon passage

**16-2597**

**Sponsored by:** LUIS ARROYO JR, JESÚS G. GARCÍA, RICHARD R. BOYKIN and LARRY SUFFREDIN, County Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**RESPONSIBLE BIDDER PROCESS FOR PUBLIC WORKS CONSTRUCTION, MAINTENANCE AND REPAIR CONTRACTS. PROVISION OF PAID SICK LEAVE.**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 - Finance, Article IV - Procurement Code, Division 2 - Procurement Procedures, Section 34-145 Responsible bidder process for public works construction, maintenance and repair contracts, of the Cook County Code is hereby amended as follows:

**Sec. 34-145. - Responsible bidder process for public works construction, maintenance and repair contracts. Provision of paid sick leave.**

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

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

(h) Provision of paid sick leave not less than what follows:

(1) For every 30 hours worked, employees shall earn one hour of paid sick leave, up to 7 days per year.

(2) This requirement shall be limited to persons employed by the prime contractor; paid sick leave need not be enforced for subcontractors.

(3) Executive departments and agencies (agencies) shall, to the extent permitted by law, ensure that new contracts, contract-like instruments, and solicitations (collectively referred to as "contracts"), include a clause, which the contractor and any subcontractors shall incorporate into lower-tier subcontracts, specifying, as a condition of payment, that all employees, in the performance of the contract or any subcontract thereunder, shall earn not less than 1 hour of paid sick leave for every 30 hours worked.

a. A contractor may not set a limit on the total accrual of paid sick leave per year, or at any point in time, at less than 56 hours.

b. Paid sick leave earned under this order may be used by an employee for an absence resulting from:

(i) physical or mental illness, injury, or medical condition;

(ii) obtaining diagnosis, care, or preventive care from a health care provider;

(iii) caring for a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship who has any of the conditions or needs for diagnosis, care, or preventive care described in paragraphs (i) or (ii) of this subsection or is otherwise in need of care; or

(iv) domestic violence, sexual assault, or stalking, if the time absent from work is for the purposes otherwise described in paragraphs (i) and (ii) of this subsection, to obtain additional counseling, to seek relocation, to seek assistance from a victim services organization, to take related legal action, including preparation for or participation in any related civil or criminal legal proceeding, or to assist an individual related to the employee as described in paragraph (iii) of this subsection in engaging in any of these activities.

c. Paid sick leave accrued under this order shall carry over from 1 year to the next and shall be reinstated for employees rehired by a covered contractor within 12 months after a job separation.

d. The use of paid sick leave cannot be made contingent on the requesting employee finding a replacement to cover any work time to be missed.

e. The paid sick leave required by this order is in addition to a contractor's obligations under

41 U.S.C. chapter 67 (Service Contract Act) and 40 U.S.C. chapter 31, subchapter IV (Davis-Bacon Act), and contractors may not receive credit toward their prevailing wage or fringe benefit obligations under those Acts for any paid sick leave provided in satisfaction of the requirements of this order.

f. A contractor's existing paid leave policy provided in addition to the fulfillment of Service Contract Act or Davis-Bacon Act obligations, if applicable, and made available to all covered employees will satisfy the requirements of this order if the amount of paid leave is sufficient to meet the requirements of this section and if it may be used for the same purposes and under the same conditions described herein.

g. Paid sick leave shall be provided upon the oral or written request of an employee that includes the expected duration of the leave, and is made at least 7 calendar days in advance where the need for the leave is foreseeable, and in other cases as soon as is practicable.

h. Certification.

(i) A contractor may only require certification issued by a health care provider for paid sick leave used for the purposes listed in subsections b(i), b(ii), or b(iii) of this section for employee absences of 3 or more consecutive workdays, to be provided no later than 30 days from the first day of the leave.

(ii) If 3 or more consecutive days of paid sick leave is used for the purposes listed in subsection b(iv) of this section, documentation may be required to be provided from an appropriate individual or organization with the minimum necessary information establishing a need for the employee to be absent from work. The contractor shall not disclose any verification information and shall maintain confidentiality about the domestic violence, sexual assault, or stalking, unless the employee consents or when disclosure is required by law.

i. Nothing in this order shall require a covered contractor to make a financial payment to an employee upon a separation from employment for accrued sick leave that has not been used, but unused leave is subject to reinstatement as prescribed in subsection c. of this section.

j. A covered contractor may not interfere with or in any other manner discriminate against an employee for taking, or attempting to take, paid sick leave as provided for under this order or in any manner asserting, or assisting any other employee in asserting, any right or claim related to this order.

k. Nothing in this order shall excuse noncompliance with or supersede any applicable Federal or State law, any applicable law or municipal ordinance, or a collective bargaining agreement requiring greater paid sick leave or leave rights than those established under this order.

l. The Office of the Cook County Procurement shall issue such regulations by May 30, 2016, as are deemed necessary and appropriate to carry out this order; defining terms used

in this order; and requiring contractors to make, keep, and preserve such employee records as the Procurement Office deems necessary and appropriate for the enforcement of the provisions of this order or the regulations thereunder.

(4) Enforcement.

a. The Office of the Chief Procurement Officer shall have the authority for investigating potential violations of and obtaining compliance with this order, including the prohibitions on interference and discrimination in this section of this ordinance.

b. This order creates no rights under the Contract Disputes Act, and disputes regarding whether a contractor has provided employees with paid sick leave prescribed by this order, to the extent permitted by law, shall be disposed of only as provided by the Secretary in regulations issued pursuant to this order.

c. Severability. If any provision of this order, or applying such provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(5) General Provisions.

a. Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

b. This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

c. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

d. This order shall apply only to a new contract or contract-like instrument, as defined by the Office of the Chief Procurement Officer in the regulations issued pursuant to section (3)a. of this ordinance, if:

(i)

(A) it is a procurement contract for services or construction;

(B) it is a contract or contract-like instrument for services covered by the Service Contract Act;

(C) it is a contract or contract-like instrument for concessions, including any concessions contract excluded by Department of Labor regulations; or

(D) it is a contract or contract-like instrument entered into with the Cook County in connection with Cook County property or lands and related to offering services for Cook County employees, their dependents, or the general public; and

(ii) the wages of employees under such contract or contract-like instrument are governed by the Davis-Bacon Act, the Service Contract Act, or the Fair Labor Standards Act, including employees who qualify for an exemption from its minimum wage and overtime provisions.

e. For contracts or contract-like instruments covered by the Service Contract Act or the Davis-Bacon Act, this order shall apply only to contracts or contract-like instruments at the thresholds specified in those statutes. For procurement contracts in which employees' wages are governed by the Fair Labor Standards Act, this order shall apply only to contracts or contract-like instruments that exceed the micro-purchase threshold, as defined in 41 U.S.C. 1902(a), unless expressly made subject to this order pursuant to regulations or actions taken under section 3 of this order.

f. This order shall not apply to grants; contracts and agreements with and grants to Indian Tribes under the Indian Self-Determination and Education Assistance Act (Public Law 93-638), as amended; or any contracts or contract-like instruments expressly excluded by the regulations issued pursuant to section 3(a) of this order.

g. Independent agencies are strongly encouraged to comply with the requirements of this order.

(6) Effective Date.

a. This order is effective immediately and shall apply to covered contracts where the solicitation for such contract has been issued, or the contract has been awarded outside the solicitation process, on or after:

(i) June 1, 2016, consistent with the effective date for the action taken by Cook County Board pursuant to this section of this ordinance; or

(ii) June 1, 2016, for contracts where an agency action is taken pursuant to this section of this ordinance, consistent with the effective date for such action.

b. This order shall not apply to contracts or contract-like instruments that are awarded, or entered into pursuant to solicitations issued, on or before the effective date for the relevant action taken pursuant to this section of this ordinance.

**Effective date:** This ordinance shall be in effect immediately upon passage.



**16-2566**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**SPECIAL USE GASOLINE AND FUEL TAX**

**WHEREAS**, the 1970 Illinois Constitution, Article VII, Section 6 designates Cook County as a Home Rule Unit of Government; and,

**WHEREAS**, Cook County may exercise powers and perform functions as they relate to government, including the authority to regulate for the protection of the public health, safety, morals and welfare, and including taxation; and,

**WHEREAS**, pursuant to the Home Rule Unit authority, this Board is empowered to make necessary changes to the Laws and Ordinances of Cook County; and,

**WHEREAS**, the taxation power is best employed when the revenue from the imposed taxes are used to improve health, welfare and economic outcomes for the men, women, and children that Cook County is charged with serving; and,

**WHEREAS**, too many of the districts and neighborhoods in Cook County suffer from high levels of poverty and unemployment, placing great strain on the budget, resources, and operations of Cook County government; and,

**WHEREAS**, poverty and unemployment are demonstrably linked to increased crime, gang activity, drug use, and alcoholism; and,

**WHEREAS**, widespread poverty contributes to widespread physical and mental health challenges, the cost of which is borne by every resident of Cook County; and,

**WHEREAS**, unemployment levels in certain neighborhoods of Cook County exceed 20%, leading to a host of societal consequences including violence, proliferation of the sale and use of illegal narcotics, and housing and food insecurity; and,

**WHEREAS**, all of the above stated consequences of unemployment strain the court system, jail, health and hospitals system, and law enforcement units operating under the auspices of Cook County government; and,

**WHEREAS**, the proceeds of this tax will be exclusively dedicated to the implementation of four separate and related Cook County initiatives set forth via ordinance and designed to strengthen and stabilize neighborhoods in Cook County with high levels of poverty and unemployment, namely: (1) Cook County Jobs Council; (2) Cook County Parenting to Prevent Violence Initiative; (3) Cook County Office for People with Disabilities; (4) Cook County Community Policing Initiative;

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 7 - Taxation, Article XII - Gasoline and Fuel Tax, Sections 74-472, 74-483, and 74-484 of the Cook County Code are amended as follows:

## **ARTICLE XII. - GASOLINE AND DIESEL FUEL TAX**

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### **Sec. 74-472. - Tax imposed.**

(a)Tax rate. A tax is hereby imposed on the retail sale in Cook County of gasoline, diesel fuel, biodiesel fuel, and gdiesel fuel at the rate of \$0.06 per gallon or fraction thereof. The tax is to be paid by the purchaser, and nothing in this Article shall be construed to impose a tax upon the occupation of distributors, suppliers or retail dealers.

(b)The incidence of and liability for payment of the tax levied in this Article is to be borne by the consumer of the gasoline, diesel fuel, biodiesel fuel and gdiesel fuel. Therefore, it shall be deemed a violation of this Article for any distributor or retail dealer to fail to include the tax in the retail sale price of gasoline, diesel fuel, biodiesel fuel, gdiesel fuel or to otherwise absorb the tax.

(c)Taxable transactions. Except as provisions are made in this Article for the collection of the tax levied in this Article upon the sale of gasoline, diesel fuel, biodiesel fuel and gdiesel fuel in the possession of distributors or retail dealers on the effective date of the ordinance from which this Article is derived, the tax levied in this Article shall be collected by each distributor or supplier who sells gasoline, diesel fuel, biodiesel fuel, or gdiesel fuel to:

- (1) A retail dealer doing business in the County;
- (2) A consumer who purchases gasoline, diesel fuel, biodiesel fuel or gdiesel fuel directly from a Gas Distributor for delivery in the County; or
- (3) Another Gas Distributor doing business in the County that is not holding a valid registration certificate.

~~[(d) Reserved.]~~ (d) Special Use Tax. A tax in addition to the tax imposed by Sec. 74-472(a) is hereby imposed on the retail sale of gasoline, diesel fuel, biodiesel fuel, and gdiesel fuel at the rate of \$0.04 per gallon or fraction thereof. The additional revenue derived from this tax shall be used exclusively pursuant to Sec. 74-483 of this title and the continued existence of this tax shall be governed by Sec. 74-484 of this title. Therefore it shall be deemed a violation of this Article for any distributor, or retail dealer to fail to include the tax in the retail sale price of gasoline, diesel fuel, biodiesel fuel, gdiesel fuel, or to otherwise absorb the tax.

(e)Any Gas Distributor or supplier of gasoline, diesel fuel, biodiesel fuel or gdiesel fuel shall pay the tax levied by this Article to the Department. Any person receiving payment of this tax shall be a trustee for the County.

(f)If the retail dealer shall receive gasoline, diesel fuel, biodiesel fuel or gdiesel fuel upon which no tax has been collected by the distributor or supplier, and then the retail dealer shall collect such tax and remit it directly to the Department within 30 days of the receipt of such gasoline or diesel fuel.

(g)Tax in addition to other taxes. The tax imposed by this Article is in addition to all other taxes imposed by the Government of the United States, the State, or by any unit of local government.

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**Sec. 74-483 - Proceeds from the Special Use Tax**

(a)The proceeds from the tax imposed in Sec. 74-472(d) shall be dedicated to the implementation of four separate and related Cook County initiatives set forth via ordinance and designed to strengthen and stabilize neighborhoods in Cook County with high levels of poverty and unemployment, namely: (1) Cook County Jobs Council; (2) Cook County Parenting to Prevent Violence Initiative; (3) Cook County Office for People with Disabilities; (4) Cook County Community Policing Initiative;

**Sec. 74-484 -Expiration of the Special Use Tax**

The tax imposed in Sec. 74-472(d) shall expire at such time when the average price of gasoline reaches \$5.00 per gallon less the rate of the Special Use Tax and that average price is sustained for a period of thirty (30) consecutive days. The tax rate imposed by Sec. 74-472(a) will remain effective upon the expiration of the Special Use Tax. Once the tax imposed in Sec. 74-472(d) expires, it shall only be renewed by an amendment to this title by the Cook County Board of Commissioners.

Amendments to Secs. 74-472(d), 74-483, and 74-484 will become effective on June 1, 2016 or upon passage and publication, whichever date is later.

**Effective date:** This ordinance shall be in effect on June 1, 2016 or upon passage and publication, whichever date is later.

**16-2567**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE**

**COOK COUNTY JOBS COUNCIL**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2- ADMINISTRATION, ARTICLE VI- BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 5- COOK COUNTY JOBS COUNCIL, is hereby enacted as Follows:

**ARTICLE VI. - BOARDS, COMMISSIONS AND COMMITTEES**

**DIVISION 5. - COOK COUNTY JOBS COUNCIL**

**Sec. 2-528.-Cook County Jobs Council**

(a)There is hereby created a Cook County Jobs Council which shall consist of the following nine (9) individuals: the President of the Cook County Board of Commissioners; the Chair of the Cook County Board of Commissioners' Committee on Finance; the Chair of the Cook County Board of Commissioners' Committee on Workforce, Housing and Community Development; the Chair of the Cook County Board of Commissioners' Committee on Business and Economic Development; the Chair of the Cook County Board of Commissioners' Committee on Human Relations; the Chair of the Cook County Board of Commissioners' Committee on Roads and Bridges; the Director of Cook County's Bureau of Economic Development; the Director of Cook County's Highway Department; the Director of Cook County's Office of Contract Compliance.

(b)The Members of the Cook County Jobs Council shall, at their first meeting, designate among them two (2) co-chairs for the Council. The co-chairs shall have an established, professional background from either the private or not-for-profit sector. No public official may serve in the role of co-chair. It shall be the role and responsibility of the co-chairs to facilitate the strategic efforts of the Council to reduce unemployment in the areas designated by the Council.

(c)It shall be the duty of the Cook County Jobs Council to meet not less than once per month from the effective date of this ordinance in order to accomplish the following objectives on a regular and ongoing basis:

- (1) Identify the geographic boundaries of and designate the areas within Cook County where unemployment among those between the ages of 16-24 is equal to or greater than 10%;
- (2) For each of the above designated areas, craft a plan to expand employment opportunity for that area's residents, utilizing the revenue generated by the Special Use Gasoline and Fuel Tax to finance partnerships with private sector employers, and with an emphasis on incentivizing the hiring of unskilled labor in order to provide work opportunities for individuals without high school and / or college diplomas or trade certifications;
- (3) Where appropriate, identify highway and infrastructure projects in Cook County, and develop plans to hire unskilled labor and clerical staff from the high-unemployment areas to work on such projects. The scope of such projects should include but not be limited to:
  - a. Building and maintenance of public access spaces including parks and community gardens;
  - b. Roadway maintenance;
  - c. Sanitation projects;
  - d. The Cook County Jobs Council, via the Bureau of Economic Development and the Cook County Office of Contract Compliance shall have oversight over the hiring practices of business and contractors who are engaged by Cook County to perform

public works projects to ensure that eligible individuals from the high-unemployment areas are provided an opportunity for employment.

- e. The Cook County Jobs Council may develop jobs training and employee education programs designed to assist individuals from high-unemployment areas who do not qualify for unskilled labor and clerical work, with the goal of connecting those individuals with meaningful work opportunities in such other fields as food service; hospitality; retail employment; and technical or mechanical work.
- f. The number and compensation of the clerical staff and other assistance to be engaged by the Cook County Jobs Council and the amount of expenses to be incurred by the Council shall be annually fixed by the County Board from the proceeds of the Special Use Gasoline and Fuel Tax. Where possible, clerical staff should be hired from the communities contemplated by Sec. 2-528(b)(1).
- g. The County Jobs Council shall, at the end of each quarter of the fiscal year, make a report on its activities and progress and present that report to the Cook County Board of Commissioners.
- h. Effective Date: The effective date of this ordinance shall be June 1, 2016 or upon passage and publication, whichever date is later.

**Effective date:** This ordinance shall be in effect June 1, 2016 or upon passage and publication, whichever date is later.

**16-2569**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**PARENTING TO PREVENT VIOLENCE PROGRAM**

**WHEREAS**, violence has impacted and continues to impact the lives of too many citizens of Cook County; and,

**WHEREAS**, violence has proven tremendously costly to Cook County government in the administration of its hospitals, courts and jails; and,

**WHEREAS**, the President and the Cook County Board of Commissioners affirm their moral obligation to reduce the escalating trend of neighborhood violence in Cook County; and,

**WHEREAS**, the President and the Cook County Board of Commissioners wish to send a strong public message that violence is both unacceptable and preventable; and,

**WHEREAS**, the President and the Cook County Board of Commissioners wish to bolster this strong public message of zero tolerance for violence by strategically investing County resources in programs that attack the root cause of violence in our communities; and,

**WHEREAS**, the President and the Cook County Board of Commissioners have already shown themselves to be forward-thinking and pro-active in the establishment of the Justice Advisory Council and its Violence Prevention, Intervention and Reduction Programs; and,

**WHEREAS**, research clearly demonstrates that the more children are exposed to violence in their homes, the greater the risk that those children will demonstrate aggressive and violent behaviors in later in life; and,

**WHEREAS**, according to the World Health Organization, parent and family based interventions are among the most promising strategies for producing long-term reduction in youth violence;

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2-Administration, Article VI-Boards, Commissions and Committees, Division 4-Cook County Violence Prevention, Intervention and Reduction Advisory Committee, Section 2-527 of the Cook County Code is amended as follows:

**Sec. 2-527. - Cook County Violence Prevention, Intervention and Reduction Programs.**

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(c) A “Parenting to Prevent Violence” program shall be administered by the Advisory Committee. Said program shall be implemented via the administration of grants to qualified 501(c)(3) and 501(c)(4) organizations, following a grant application process, request for proposal or request for qualification issued by the Justice Advisory Council. To be a qualified 501(c)(3) and 501(c)(4) organization to receive grant funds pursuant to this initiative, said organization must clearly demonstrate expertise and experience in the field of parenting education via information including, but not limited to certification, education level of providers, community profile, and written scholarly or instructional materials. Grants issued to qualified 501(c)(3) and 501(c)(4) organizations shall be selected by the Advisory Committee subject to the approval of the Cook County Board of Commissioners. The Justice Advisory Council, via its Director, shall issue the grant application process for the “Parenting to Prevent Violence” Program and necessary related requests for proposal or requests for qualification and shall be authorized to execute said grant agreements as approved by the Cook County Board of Commissioners, subject to the process set forth in the Cook County Procurement Code, and further subject to the following conditions:

- (1) Grants administered pursuant to the Parenting to Prevent Violence program shall be annually fixed by the County Board from the proceeds of the Special Use Gasoline and Fuel Tax.
- (2) The total value of grants administered during the first full Fiscal Year of the Parenting to Prevent Violence Program shall be not less than \$2,000,000 dollars.

(d) Effective Date: The effective date of this ordinance amendment shall be June 1, 2016 or upon passage and publication, whichever date is later.

**Effective date:** This ordinance shall be in effect on June 1, 2016 or upon passage and publication, whichever date is later.

**16-2570**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE**

**OFFICE FOR PEOPLE WITH DISABILITIES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38, Article VII, Sec. 38-165 of the Cook County Code is hereby enacted as follows:

**ARTICLE VII. OFFICE FOR PEOPLE WITH DISABILITIES**

**Sec. 38-165. Office for People with Disabilities**

(a) *Title.* This division shall be known and may be cited as the “Office for People with Disabilities Ordinance” of Cook County, Illinois.

(b) *Purpose and Policy.* Cook County is a place where your future is not limited by your race, ethnicity, gender, sexual orientation, disability, age, income, where you were born or where you live. Equity exists when everyone has access to opportunities necessary to satisfy essential needs, advance their well-being, and achieve their full potential. Equity is both the means to healthy communities and an end that benefits us all.

People who have disabilities are entitled to full inclusion as equal citizens in society and the opportunity to achieve their full economic, social, cultural, civic, and political potential. People who have disabilities are entitled to the freedom to experience environments without discriminatory barriers that prevent people who have disabilities from participating in the decisions that affect them.

It is the policy of Cook County to resist and remove such barriers, to promote the full integration and participation of people with disabilities into all areas of economic, political, and community life, and to make it possible for them to realize their full potential and contribute to the common good.

(c) *Creation.* There is hereby created and established the Office for People with Disabilities. The Office for People with Disabilities will coordinate all activities, plans, and programs including, but not limited to providing assistance to the problems, concerns, and issues of people with disabilities.

(d) *Duties.* The Office for People with Disabilities shall:

- (1) Provide information to the Board of Commissioners concerning issues of importance to people with disabilities;
- (2) Assist in addressing fairly the concerns of people with disabilities, individually and as a protected class, under Cook County ordinances and other applicable laws;

- (3) Carry on research or otherwise obtain factual data, issue publications, and make recommendations that implement the policy of the Office;
- (4) Recommend policies and practices to all departments and offices of the County in matters affecting concerns of people with disabilities;
- (5) Encourage understanding between the community of people with disabilities and the larger Cook County Community through long-range projects;
- (6) Cooperate with the Board of Commissioners in formulating and executing comprehensive programs that enhance the opportunities for people with disabilities;
- (7) Recommend such legislative action as he or she may deem appropriate to implement the policy of the Office for People with Disabilities;
- (8) Enlist and encourage the cooperation of all public and voluntary agencies, racial, religious, and ethnic groups, community organizations, fraternal and benevolent societies, veteran organizations, professional and technical organizations, and other groups in Cook County working to implement the policy of the Office;
- (9) Report on a semi-annual basis to the Board of Commissioners. Such reports shall include an annual or semi-annual work plan, a briefing on the Office's public involvement process for soliciting community and citizen input in framing their annual work plans, and updates on the work plans.

(e) *Composition.* The Office for People with Disabilities shall be staffed with an affairs officer, a permanent position, who shall head the office, and two other personnel. Employees of the department shall receive such compensation as may be fixed by the Board of Commissioners, from the proceeds of the Special Use Gasoline and Fuel Tax.

(f) *Gifts.* The Office may accept offers of gifts or grants, including equipment, supplies, materials or funds, from the United States, the State of Illinois, their agencies or officers, or from any person, firm, or corporation. The Office may expend such receipts on projects that implement the policy of the Office.

(g) *Funds.* The Office for People with Disabilities shall be annually appropriated a total amount of \$1,147,191 for its administrative and operational requirements on the basis of the approved work and financial plans. The breakdown of the appropriated amount is \$1,042,707 for personnel services, \$82,542 for contractual services, \$12,403 for travel, and \$9,539 for commodities. With the exception of the funds described in paragraph (f) of this ordinance, funds appropriated for the Office for People with disabilities shall be derived from the proceeds of the Special Use Gasoline and Fuel Tax.

**Effective date:** This ordinance shall be in effect June 1, 2016 or upon passage and publication, whichever date is later.



**16-2571**

Sponsored by: RICHARD R. BOYKIN, County Commissioner

**PROPOSED RESOLUTION**

**A RESOLUTION OF THE COOK COUNTY BOARD OF COMMISSIONERS APPROPRIATING FUNDS DERIVED FROM THE SPECIAL USE GASOLINE AND FUEL TAX FOR THE PURPOSE OF ESTABLISHING A COOK COUNTY COMMUNITY POLICING INITIATIVE TO BE OVERSEEN BY THE SHERIFF OF COOK COUNTY**

**WHEREAS**, incidents of gun violence and homicide are rapidly escalating in Chicago and Cook County in 2016; and,

**WHEREAS**, since January of 2016, over 600 people have been shot in the City of Chicago, with over 120 people killed; and,

**WHEREAS**, in 2015, 2,987 people were shot in the City of Chicago, with 488 people killed; and,

**WHEREAS**, if current trends continue, 2016 will see more people shot and killed in Chicago were shot and killed in 2015; and,

**WHEREAS**, the escalation of gun violence and gang warfare in certain Chicago neighborhoods has created an atmosphere of danger and posed constant and intolerable risk to the life, liberty and property of citizens of Cook County; and,

**WHEREAS** the President of the County Board and the Cook County Board of Commissioners wish to affirm the moral obligation of Cook County Government to provide for the health, welfare and safety of the residents of Cook County; and,

**WHEREAS**, the health, welfare, and safety of certain residents of Cook County are consistently and fundamentally threatened by the constant threat of neighborhood violence; and,

**WHEREAS** it is both possible and necessary to pinpoint and describe the geographic boundaries of the neighborhoods and the communities in Cook County where the level of gun violence is highest; and,

**WHEREAS**, the Cook County Sheriff's Office is responsible for a police force with extraordinary capability and commitment to the public good; and,

**WHEREAS**, the Cook County Sheriff has participated in public safety operations designed to support the Chicago Police Department by providing reinforcements and additional manpower with respect to the policing of high crime areas; and,

**WHEREAS**, in January of 2016 Sheriff Tom Dart and then-Interim Chicago Police Superintendent John Escalante partnered in a community initiative designed to more effectively and cooperatively combat gang violence; and,

**WHEREAS**, the Cook County Sheriff has unquestionably shown itself to be an able and productive partner to the Chicago Police Department in bolstering police efforts to achieve public safety; and,

**WHEREAS**, the spike in gun violence thus far in 2016 makes the increased participation of the Cook County Sheriff in such community policing efforts to be necessary and, in fact, indispensable;

**NOW, THEREFORE BE IT RESOLVED**, by the President of the Cook County Board and the Cook County Board of Commissioners, that a “Cook County Community Policing Initiative” to be overseen by the Cook County Sheriff is hereby established; and,

**BE IT FURTHER RESOLVED**, by the President of the County Board and the Cook County Board of Commissioners that Cook County Community Policing Initiative shall be funded via proceeds derived from proceeds of the Special Use Gasoline and Fuel Tax; and,

**BE IT FURTHER RESOLVED**, by the President of the County Board and the Cook County Board of Commissioners that the Cook County Community Policing Initiative shall, in its initial stages consist of the hiring of no less than 15 additional Sheriff’s Police Officers who shall be assigned the primary task of Community Policing in Cook County neighborhoods with high levels of violence; and,

**BE IT FURTHER RESOLVED**, by the President of the County Board and the Cook County Board of Commissioners that funds appropriated from the proceeds of the Special Use Gasoline and Fuel Tax for the Cook County Community Policing Initiative shall total not less than \$2 million dollars; and,

**BE IT FURTHER RESOLVED**, by the President of the County Board and the Cook County Board of Commissioners that the Cook County Community Policing Initiative shall commence no later than June 1, 2016 or upon passage and publication of this resolution, whichever date is later.

**16-2614**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**LOCAL BUSINESS PREFERENCE**

**WHEREAS**, the 1970 Illinois Constitution, Article VII, Section 6 designates Cook County as a Home Rule Unit of Government; and

**WHEREAS**, Cook County may exercise powers and perform functions as they relate to government, including the authority to regulate for the protection of the public health, safety, morals and welfare; and including the power to tax; and

**WHEREAS**, when the revenue generated by Cook County taxes are used in accordance with the Cook County Procurement Code, the funds are best used when they are put back into the Cook County economy; and

**WHEREAS**, Cook County businesses are a driving force for employment and economic development in the County; and

**WHEREAS**, spending public dollars with Cook County businesses serves the sound policy of increasing employment, fostering economic development and strengthening the economy of the County; and

**WHEREAS**, expanding the preference given to Cook County businesses helps to further these policy goals; and

**WHEREAS**, the Cook County Board of Commissioners is empowered to make necessary changes to the Procurement Code.

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 - Finance, Article IV - Procurement Code, Division 6 - Bid Incentives and Preferences, Section 34-230 of the Cook County Code be amended as follows:

**Sec. 34-230. - Local business preference; all contracts.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsive and Responsible Bidder by more than ~~five percent~~ ten percent; or if the lowest Responsive and Responsible Bidder receives Earned Credit under Secs. 34-234, 34-236, 34-237, or 34-239 the Bid of such Bidder does not exceed the Credited Bid by more than seven and one-half percent.

**Effective date:** This ordinance shall be in effect immediately upon adoption.

**16-2617**

**Sponsored by:** RICHARD R. BOYKIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**PROHIBITION ON RETALIATORY MOTIONS FOR USE AND OCCUPANCY**

**WHEREAS**, the 1970 Illinois Constitution, Article VII, Section 6 designates Cook County as a Home Rule Unit of Government; and

**WHEREAS**, Cook County may exercise powers and perform functions as they relate to government, including the authority to regulate for the protection of the public health, safety, morals and welfare; and including the power to tax; and

**WHEREAS**, Cook County may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive; and

**WHEREAS**, the General Assembly has not specifically limited the power of Cook County to enact laws regarding Forcible Entry and Detainer; and

**WHEREAS**, the General Assembly has not specifically declared that the State's exercise over Forcible Entry and Detainer laws to be exclusive to the State; and

**WHEREAS**, allowing landlords who initiate Forcible Entry and Detainer Actions in the Circuit Court of Cook County to file Motions for Use and Occupancy during the pendency of trial is punitive to defendants seeking to protect their rights; and

**WHEREAS**, a disproportionate number of defendants in Forcible Entry and Detainer actions live in poverty; and

**WHEREAS**, a Motion for Use and Occupancy during pendency of a jury trial may discourage defendants from protecting their rights and be prohibitive of finding legal counsel; and

**WHEREAS**, penalizing individuals for exercising their right to a jury trial is an important access to justice issue;

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 42 - Human Relations, Article II - Human Rights, Section 42-38-Housing, subsection (b) of the Cook County Code be amended as follows:

**Sec. 42-38. - Housing.**

(b) *Prohibitions.*

\*\*\*

(8) Retaliatory Motion for Use and Occupancy. No person, having initiated an Action for Forcible Entry and Detainer pursuant to 735 ILCS Article IX, shall be permitted to file a Motion for Use and Occupancy against a party who has made a jury demand for the proceeding during the pendency of the jury trial without a bona fide showing of substantial financial hardship as a result of the extended time without the ability to collect rent. No operator of a housing facility who receives government subsidies for all, or a portion of, rent on the unit that is the subject of the Forcible Detainer and Entry action shall be permitted to make such a motion.

**Effective date:** This ordinance shall be in effect immediately upon adoption.

**16-2598**

**Sponsored by:** LARRY SUFFREDIN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**AN AMENDMENT TO THE PROPERTY TAX CLASSIFICATION SYSTEM FOR ASSESSMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Article II - Real Property Taxation, Division 2 - Classification System for Assessment, Section 74-63 (8)(b) of the Cook County Code is hereby amended as Follows:

**Sec. 74-63. - Assessment classes.**

Real estate is divided into the following assessment classes:

\*\*\*

- (8) Class C. Real estate which is to be used for industrial or commercial purposes, including abandoned property, as defined in Section 74-62, including the land upon which such property is situated; or vacant land; where such real estate because of contamination has undergone environmental testing and remediation and has received a "No Further Remediation Letter" from the site remediation program.

- a. To be eligible for a Class C classification an applicant must have received a "No Further Remediation Letter" confirming achievement of the remediation objectives based on the industrial or commercial use.
- b. The owner of the property is rendered ineligible for the Class C classification by having previously owned or operated the site, directly or indirectly, or having been a partner or being associated through a family or business relationship with anyone who has owned or operated the site, which ownership or operation caused the contamination which was remediated pursuant to a site remediation, except for an employee who worked for an owner, as defined herein, that operated the site. A present owner or employer who can successfully demonstrate that the owner or employer was not responsible for the contamination may be eligible for Class C classification.

**Effective date:** This ordinance shall be in effect immediately upon adoption.

**SECRETARY TO THE BOARD OF COMMISSIONERS**

**16-2616**

**REPORT**

**Department:** Veterans Assistance Commission of Cook County

**Request:** Receive and file

**Report Title:** FY 2016 1st Quarter Report

**Report Period:** 12/1/2015 - 2/29/2016

**Summary:** Per Board Resolution, this quarterly report provides daily activity at the Veterans Assistance Commission for the captioned time period.

**OFFICE OF THE COUNTY AUDITOR**

**16-2323**

**Presented by:** SHELLY A. BANKS, C.P.A., County Auditor

**REPORT**

**Department:** Office of the County Auditor

**Request:** Refer to Audit Committee

**Report Title:** Job Order Contracting (JOC) Internal Audit Report

**Report Period:** March 2016

**Summary:** The purpose of the audit was to determine if the County's JOC program is operating in accordance with the established Policies and Procedures and Contract guidelines for the Administration of the JOC program.

**16-2342**

**Presented by:** SHELLY A. BANKS, C.P.A., County Auditor

**REPORT**

**Department:** Office of the County Auditor

**Request:** Refer to Audit Committee

**Report Title:** FY'16 1st Quarter Open Findings Status Report

**Report Period:** March 2016

**Summary:** Report on the status of open audit findings and recommendations.

**16-2422**

**Presented by:** SHELLY A. BANKS, C.P.A., County Auditor

**REPORT**

**Department:** Office of the County Auditor

**Request:** Refer to Audit Committee

**Report Title:** Sole Source and Emergency Procurements Internal Audit Report

**Report Period:** March 2016

**Summary:** The purpose of the audit was to verify that internal controls are in place and to ensure compliance with Sole Source and Emergency procurement policies, procedures and ordinance.

**BUREAU OF FINANCE**  
**OFFICE OF THE COUNTY COMPTROLLER**

**16-2453**

**REPORT**

**Department:** Comptroller

**Request:** Receive and File

**Report Title:** Bills and Claims Report

**Report Period:** 03/03/2016 - 03/23/2016

**Summary:** This report to be received and filed is to comply with the Amended Procurement Code Chapter 34-125(k).

The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Official, which involve an expenditure of \$150,000.00 or more, within two (2) weeks of being made. Such reports shall include:

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

**BUREAU OF FINANCE**  
**COOK COUNTY DEPARTMENT OF REVENUE**

**16-1366**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**ALCOHOLIC BEVERAGE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article IX. Alcoholic Beverage Tax, Sections 74-354, 74-356, 74-360 and 74-362of the Cook County Code is hereby amended as Follows:

**Sec. 74-354. - Wholesaler and retailer registration**

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

(b) Wholesale alcoholic beverage dealers shall file each month with the Department a report of sales of alcoholic beverages in such form as prescribed and furnished by the Department. Such report of sales must be mailed in sufficient time to be postmarked on or before the ~~15~~ 20th day from the last day of the month for which the return is due. Each report of sales of alcoholic beverages shall be accompanied by a remittance of the appropriate amount of tax applicable to the sales reported. The remittance shall be made payable to the County Collector. Registered wholesale alcoholic beverage dealers must file a monthly return even if no tax is due.

(c) Wholesale and retail alcoholic beverage dealers shall file an annual informational return by March 20th for the previous calendar year; the first annual informational return will be due March 20, 2018. Wholesalers must list the entities they sold alcoholic beverages to along with the types and amounts of alcoholic beverages sold. Retailers must list the entities they purchased alcoholic beverages from along

with the types and amounts of alcoholic beverages purchased. Such return must be filed on a form prescribed and furnished by the Department.

(~~d~~e) A retail alcoholic beverages dealer who receives alcoholic beverages upon which no tax has been collected by the distributor or supplier shall remit the tax directly to the Department on or before the 20th day of the month following the month in which the alcoholic beverages were received~~within 30 days of the receipt of such alcoholic beverages.~~

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

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

\* \* \*

**Sec. 74-356. - Documents; books; records.**

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

(b) Documents, books and records shall be kept; by wholesale and retail alcoholic beverages dealers, for the taxable time period as listed in the statute of limitations section of the Uniform Penalties, Interest and Procedures Ordinance, as provided in Cook Code of Ordinances, Article III Sec. 34-60 et seq., Uniform Penalties, Interest and Procedures Ordinance.

\* \* \*

**Sec. 74-360. - ~~Additional to other taxes~~ Reserved.**

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

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\* \* \*

**Sec. 74-362. - Rulemaking.**

(~~a~~) The Department shall prescribe reasonable rules, definitions, and regulations 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 in the wholesale and retail liquor industry, for collection and remittance of the tax levied in this Article upon the consumer of alcoholic beverages.

(~~b~~) ~~The Department may appoint wholesale dealers of alcoholic beverages and any other person within or without the County as agents for the tax herein levied. The Department is hereby authorized to grant a commission not exceeding one half of one percent of the tax due to the County to such agent for services rendered in connection with the tax levied in this Article, provided the tax is remitted, in full, by the due date.~~



~~(c) If any business selling liquor at the retail level shall receive liquor upon which no tax has been collected by the distributor or supplier, then the retail operator shall collect such tax and remit it directly to the Department within 30 days of the receipt of such liquor~~

**Effective date:** This ordinance shall be in effect immediately upon adoption

**16-1369**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**GAMBLING MACHINE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article XVIII. Gambling Machine Tax, Sections 74-628, 74-634, 74-635 and 74-638of the Cook County Code is hereby amended as Follows:

**Sec. 74-628. - Tax imposed.**

A tax is imposed upon each Gambling Machine that is displayed by a person for play or operation by the public in Cook County, as follows:

(a) Tax Rate on Gambling Device. For each 12-month period as established by the director, an annual tax in the amount of \$1,000.00 is imposed upon each Gambling Device; said tax shall be paid by the owner and shall be applicable for Gambling Devices that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the machine.

(b) Tax Rate on Video Gaming Terminal. For each 12-month period as established by the director, an annual tax in the amount of \$200.00 is imposed upon each Video Gaming Terminal; said tax shall be paid by the owner and shall be applicable for Video Gaming Terminals that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the video gaming terminal.

(c) Additional Taxes. The taxes imposed in this Article is in addition to all other taxes imposed by the County, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

\* \* \*

**Sec. 74-634. - Violations, penalties.**

(a) Any owner subject to this tax who remits the tax after the start of the 12-month period established by the director shall pay a late fee equal to the amount of the tax due.

~~(b) It shall be unlawful for any owner or person to display a Gambling Machine for play or operation by the public within the County unless (1) the owner of the Gambling Machine and person displaying the Gambling Machine for play or operation by the public within the County has registered with the department; (2) the tax has been paid on said Gambling Machine and is evidenced by the tax emblem conspicuously affixed to the Gambling Machine; and (3) the Gambling Machine is plainly labeled with the name, address and telephone number of the owner of the Gambling Machine. If at any time a Gambling Machine does not bear the emblem required by this Article, the person displaying the Gambling Machine, to be played or operated by the public at any place owned or leased by such person and the owner shall be jointly and severally liable for a fine of \$1,000.00 for the first offense relative to the Gambling Machine, and \$2,000.00 for any subsequent offense relative to any Gambling Machine. Every day such violation continues shall constitute a separate and distinct offense.~~

~~(b c) It shall be unlawful for any owner or person to take, destroy, remove, alter, deface, mutilate, obliterate, or make illegible the tax emblem provided for in this Section during the year for which it was issued, or make available to the public for play or operation in the county a Gambling Machine if the tax emblem or label has been taken, destroyed, removed, altered, defaced, mutilated, obliterated, or has become illegible. Any person or owner who, without authority, takes, destroys, removes, alters, defaces, mutilates, obliterates, or makes illegible the emblem provided for in this Article, shall be fined \$1,000.00 for each offense. Every such unauthorized taking, destruction, removal, obliteration, or making illegible of said emblem shall constitute a separate offense.~~

(d) Any owner, or person, or member determined to have violated this Article, as amended, shall be subject to a fine of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offenses shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this Article for any person to knowingly furnish false or inaccurate information to the Department. Criminal prosecution pursuant to this Article shall in no way bar the right of the County to institute civil proceedings to recover delinquent taxes, interest and penalty due and owing as well as costs incurred for such proceeding.

#### **Sec. 74-635. - Books and records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to this ordinance, from start to complete, including all original source documents. All such books and records shall be kept for a period equal to the statute of limitations as identified as provided in Article III, Section 34-60 of the Uniform Penalties, Interest, and Procedures Ordinance, Section 34-60, et seq., and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

\* \* \*

#### **Sec. 74-638. - Application of uniform penalties, interest, and procedures ordinance.**

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

**Effective date:** This ordinance shall be in effect immediately upon adoption

**16-1372**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**GASOLINE AND DIESEL FUEL TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article XII. Gasoline and Diesel Fuel Tax, Sections 74-477, 74-479 and 74-482 is hereby amended as Follows:

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

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

\* \* \*

**Sec. 74-479. - Municipality and township tax rebate.**

Any municipality or township with its primary administrative office located in the County shall be entitled to a tax rebate. Such rebate shall be paid on an annual basis. Claims for such reimbursement must be made within six months from the end of each calendar year, upon forms prescribed by the Department, and shall only address purchases made in the previous calendar year. The Department shall determine the proof required to substantiate the rebate by rule.

\* \* \*

**Sec. 74-482. - Rulemaking.**

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

~~(b) The Department may appoint distributors or suppliers and any other person within or without the County as agents for the tax levied in this Article. The Department is hereby authorized to grant a commission not exceeding one half of one percent of the tax due to the County to such agent for services rendered in connection with the tax levied in this Article, provided the tax is remitted, in full, by the due date.~~

**Effective date:** This ordinance shall be in effect immediately upon adoption.

**16-1373**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT****SALES OF NEW MOTOR VEHICLES AND TRAILERS TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article VI. Sales of New Motor Vehicles and Trailers Tax, Sections 74-628, 74-634, 74-635 and 74-638 of the Cook County Code is hereby amended as Follows:

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

New motor vehicle dealers, as described in this Article, shall register with the Department, in accordance with procedures prescribed by the Department, prior to commencing business. Application for registration shall be made on forms prescribed by the Department. It shall be unlawful to conduct business in Cook County as a new motor vehicle dealer prior to obtaining a Cook County Department of Revenue Sales of New Motor Vehicle certificate of tax registration.

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

- (a) Every new motor vehicle dealer shall file, on forms prescribed by the Department, a remittance return and remit all taxes due on or before the 20th day of the month following the month for which the tax is due. Every new motor vehicle dealer shall file a monthly return even when no tax is due.
- (b) Final monthly return; remittance. Any new motor vehicle who ceases to engage in the business of making retail sales of new motor vehicles shall file a final return under this Article with the Department not later than one calendar month after making the last sale at retail. All taxes due to be paid to the County shall be remitted to the County at the time the final return is filed with the Department.
- ~~(c) New motor vehicle dealer Annual Return. New motor vehicle dealers shall file an annual information return, on forms prescribed by the Department, on the last day of the month following the year for which the return is due. Such annual return shall include a statement of beginning inventory, purchases, sales, ending inventory, and receipts as shown on the retailer's State income tax return. The tax collector's annual return to the Department shall also disclose such additional reasonable information as the Department shall require to enable the Department to determine the accuracy of any periodic return filed by such tax collector as provided by this Section.~~

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

It shall be the duty of all new motor vehicle dealers to keep and maintain all books, papers and records related to all transactions taxable or non-taxable under this Article and to make such records available to the Director on request for inspection, audit and/or copying during regular business hours. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for a the taxable time period as provided for listed in the statute of limitations section of the Cook County Uniform Penalties, Interest and Procedures Ordinance, Article III, Sec. 34-60 et seq.

**Effective date:** This ordinance shall be in effect immediately upon adoption

## 16-1374

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

### PROPOSED ORDINANCE AMENDMENT

#### PARKING LOT AND GARAGE OPERATIONS TAX

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article XIII. Parking Lot and Garage Operations Tax, Sections 74-512 and 74-514) of the Cook County Code is hereby amended as Follows:

##### Sec. 74-512. - Tax imposed.

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

(b) Valet Parking Operators are required to collect and remit the tax imposed by this Article, for each motor vehicle parked at a Parking Lot or Garage, as described in this Article; however, if the valet parking operator has a written agreement with a parking lot or garage operator that designates an amount of consideration paid by the valet parking operator which the parking lot or garage operator remits to the Department as parking lot and garage operations tax, the valet parking operator may take a credit for the amount remitted by the parking lot or garage operator. The valet parking business shall have the burden of proving its entitlement to this credit with books, records and other documentary evidence. ~~the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department.~~

(c) Tax rates through August 31, 2013.

(1) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), are in effect through August 31, 2013.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$2.00 or less	\$0.00
24 hours or less	\$2.01 to \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75
24 hours or less	\$12.00 or more	1.00
Weekly	\$10.00 or less	0.00
Weekly	\$10.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75
Weekly	\$60.00 or more	5.00
Monthly	\$40.00 or less	0.00

Monthly	\$40.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

- (2) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less are in effect through August 31, 2013.

Parking Charge or Fee Time Period Imposed by Operator Tax Amount		
24 hours or less	\$3.00 or less	\$0.00
24 hours or less	\$3.01 or \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75
24 hours or less	\$12.00 or more	1.00
Weekly	\$15.00 or less	0.00
Weekly	\$15.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75
Weekly	\$60.00 or more	5.00
Monthly	\$60.00 or less	0.00
Monthly	\$60.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

- (d) Tax rates effective September 1, 2013.

- (1) A tax upon the use or privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$2.00 for a 24-hour period or less, \$10.00 for a weekly period or \$40.00 for a monthly period.
- (2) A tax upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$3.00 for a 24-hour period or less, \$15.00 for a weekly period or \$60.00 for a monthly period.

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

- (f) The tax imposed by this Section shall not apply to:

- (1) Residential off-street parking of house or apartment or condominium occupants, wherein an arrangement for parking is provided in the house or apartment lease in a written agreement between the landlord and tenant;
  - (2) Residential parking provided for condominium occupants pursuant to a written agreement between the condominium association and the owner, occupant or guest of a unit owner, whether the parking charge is payable to the landlord, condominium association, or to the operator of the parking lot or garage; or
  - (3) To hospital and medical center employees parking at a parking lot or garage where the hospital or medical center is the employer and, as described in this Article, operator.
- (g) The amount of the tax due under this Article shall be computed exclusive of any Federal, State or municipal taxes imposed.

\* \* \*

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

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

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

(b) All books and records required by this Section shall be retained for the taxable time period as listed in the statute of limitations section of the Uniform Penalties, Interest and Procedures Ordinance, Article III, Sec. 34-60 et seq. ~~not less than four years after the end of the calendar year in which they are created;~~ provided, however, that an operator on an annual basis may request approval from the Director of Revenue to discard tickets or tags that were issued more than one year earlier, and the Director shall grant approval if the director determines that the operator's books and records satisfy the requirements of this Article.

**Effective date:** This ordinance shall be in effect immediately upon adoption

**16-1375**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**UNIFORM PENALTIES, INTEREST AND PROCEDURES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 - Finance, Article III. Uniform Penalties, Interest and Procedures, Sections 34-62 and 34-77 of the Cook County Code is hereby amended as Follows:

**Sec. 34-62. - Definitions.**

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

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

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

*Franchise fee* means any cable television franchise fee payable to the County pursuant to Chapter 78, Article II, of this Code.

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

*Person* means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

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

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

*Tax collector* means any person required to collect and/or remit any tax payable to the Department or who chooses to collect 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. 34-77. - Statute of limitations.**

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

(b) No statute of limitations applies if:

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

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

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

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

**Effective date:** This ordinance shall be in effect immediately upon adoption.

**16-1377**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED ORDINANCE AMENDMENT****USE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article VII. Use Tax, Sections 74-272, 74-273, 74-275 and 74-277 of the Cook County Code is hereby amended as Follows:

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

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

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

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

(d)Tax paid by Purchaser. Except as provided in Section ~~74-277~~ 273, the purchaser shall pay the tax imposed by this Article to the tax collector.

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

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

(a)When tangible personal property is purchased from a retailer for use in the County by a purchaser or user subject to the tax imposed by this Article, and who did not pay the tax imposed by this Article to the retailer, and who did not file returns with the Department as a retailer under Section 74-276, such purchaser or user shall, by the ~~last~~ 20<sup>th</sup> day of calendar month following the month in which such purchase was made, file and return with the Department and pay the tax due under this Article.

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

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

(d)A purchaser or user who is liable to pay use tax directly to the Department only occasionally and not on a frequent recurring basis, and who is not required to file returns with the Department as a retailer under Section 74-276 concerning the filing of regular monthly tax returns and all provisions concerning the requirements of registrants to post bond or other security with the Department shall apply to such purchasers or users.

\* \* \*

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

It shall be the duty of all retailers, tax collectors and persons required by this Article to collect and/or to pay the taxes imposed in this Article to keep and maintain all books, papers and records related to all transactions taxable or non-taxable under this Article and to make such records available to the Director on request for inspection, audit and/or copying during regular business hours. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for a the taxable time period as provided for listed in the statute of limitations section of the in Chapter 34, Article III, Uniform Penalties, Interest and Procedures Ordinance, Article III, Sec. 34-60 et seq.

\* \* \*

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

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

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

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

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

**Effective date:** This ordinance shall be in effect immediately upon adoption

## 16-1383

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

### PROPOSED ORDINANCE AMENDMENT

#### AMUSEMENT TAX ORDINANCE

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article X. Amusement Tax, Section 74-391 of the Cook County Code is hereby amended as Follows:

#### **Sec. 74-391. Definitions.**

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

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

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

*Charges paid* means the gross amount of consideration paid for the privilege to enter, to witness or to view an amusement, valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever, but not including charges that are added on account of the tax imposed by this article or on account of any other tax imposed on the charge.

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

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

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

*Operator* means any person who sells or resells a ticket or other license to an amusement for consideration or who, directly or indirectly, receives or collects the charges paid for the sale or resale of a ticket or other license to an amusement. The term includes, but is not limited to, persons engaged in the business of selling or reselling tickets or other licenses to amusement, whether on-line, in person or otherwise.

*Owner* means:

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

*Patron* means a person who acquires the privilege to enter, to witness or to view an amusement.

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

*Resale* means the resale of a ticket or other license to an amusement after the ticket or other license has been sold by the owner, manager or operator of the amusement, or by the owner, manager or operator of the place where the amusement is being held, to an independent and unrelated third party.

*Reseller* means a person who resells a ticket or other license to an amusement for consideration. The term includes, but is not limited to, ticket brokers and applies whether the ticket is resold by bidding, consignment or otherwise and whether the ticket is resold in person, at a site on the Internet or otherwise.

*Ticket* means the privilege to enter, to witness or to view an amusement, whether or not expressed in a tangible form.

**Effective date:** This ordinance shall be in effect immediately upon adoption

## 16-2190

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

### PROPOSED ORDINANCE AMENDMENT

#### TOBACCO TAX

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 74 - Taxation, Article XI. Tobacco Tax, Sections 74-430, et seq. of the Cook County Code is hereby amended as Follows:

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

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

**Sec. 74-431. Definitions.**

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

*Affix or affixed* means to attach or attached tax stamps that cannot be removed from the cigarette pack without being mutilated or destroyed.

*Altered or mutilated tax stamp* means any tax stamp on which the ~~identity information is illegible or incomplete~~ unique serial number is illegible or incomplete. If a tax stamp does not include a unique serial number, 75% of the stamp must be affixed to the cigarette pack.

*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.

*Conceal or ~~Concealment~~* means cigarettes, other tobacco products, cigarette tax stamps, or Consumable Products in violation of this article, that are hidden or kept from being seen, found, observed or discovered in an area, location or container and stored, possessed or offered for sale at a place of business

~~deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.~~

*Conspicuous* means easily or clearly visible.

*Consumable Product* means any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used.

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

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

*County* means the County of Cook.

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

*Director* means the Director of the Department of Revenue.

*Expired Tax Stamp* means any tax stamp terminated or cancelled by notice, rule or regulation issued by the Director.

*Hinder or hindrance* means to refuse, impede or prevent an inspection of premises or audit of books or records.

*Illegal import/export* means cigarettes or Other Tobacco Products intended for sale or use outside the United States that bear a manufacture's statement, label, stamp, sticker, or notice indicating not intended for sale, distribution or use in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording.

~~*Improperly stamped pack* means any packs of cigarettes or package on which a tax stamp is required where thereon which is affixed an expired tax stamp, altered/mutilated; used or reused tax stamp; or counterfeit tax stamp.~~

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

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

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

cigarettes that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

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

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

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

*Pack or pPackage* means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes, other tobacco products, or Consumable Products to the consumer.

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

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

*Premises* means, ~~but is not limited to, buildings, vehicles or~~ any place, location or area where cigarettes, Other Tobacco Products, and/or Consumable Products, as defined in this ordinance, inventory may be sold, stored, possessed or transported for sale or resale, including, but not limited to, any building, garage, storage shed, vessel, vehicle (or any other forms of transportation situated on the premises either in such building, garage or storage shed, or within a store parking lot or assigned parking spaces adjacent thereto); or such other property owned, leased or used by the wholesale or retail tobacco dealer or employees thereof, or retail tobacco manufacturer or employees thereof, that is part of, adjacent or appurtenant to the wholesale or retail facility at which such wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer is engaged in the business of selling cigarettes and/or Other Tobacco Products. ~~is possessed, stored or sold.~~

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

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

*Retail manufactured cigarettes* means cigarettes made or fabricated on the premises of a retail cigarette manufacturer using tobacco and other material and equipment provided by a retail cigarette manufacturer as defined in this Article.

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



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

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

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

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

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

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

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

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

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

*Unstamped pack* means any pack of cigarettes on which a Cook County tax stamp is required to be affixed but is not affixed.

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

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

*Vapor product* means any nonlighted, noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution. The term includes any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

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

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

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

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

(a)*Cigarette Tax rate.* A tax at the rate of 150 mils or \$0.15 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 150 mils or \$0.15 per cigarette shall become in force and effect on March 1, 2013. The tax herein levied shall be in addition to any and all other taxes.

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

(c)*Retail cigarette manufacturer tax rate and sale.* A tax at the rate of \$0.15 per cigarette is hereby imposed upon each cigarette sold by a retail cigarette manufacturer. The tax herein levied shall be in addition to any and all other taxes. Retail cigarette manufacturers shall not store, possess or maintain any loose retail manufactured cigarettes or packs of retail manufactured cigarettes. Retail manufactured cigarettes must be manufactured only at the time of sale.

(d)*Other tobacco product tax rate.* A tax at the rates specified in this section is hereby imposed upon ~~the sale of all~~ Other Tobacco Products possessed for sale and upon the use of all Other Tobacco Products within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by

the Consumer of said Other Tobacco Products. The tax imposed hereby at the rates listed in Subsection (1) shall come into force and effect on March 1, 2012 and Subsection (2) on January 1, 2013.

- (1) A tax at the following rates is hereby imposed upon the sale of the following products through December 31, 2012:
  - a. Smoking tobacco: \$0.30 per ounce or fraction thereof.
  - b. Smokeless tobacco: \$0.30 per ounce or fraction thereof.
  - c. Little cigars: \$0.05 per unit or cigar.
  - d. Large cigars: \$0.25 per unit or cigar.
  
- (2) A tax at the following rates is hereby imposed upon the sale of the following products effective January 1, 2013:
  - a. Smoking tobacco: \$0.60 per ounce or fraction thereof.
  - b. Smokeless tobacco: \$0.60 per ounce or fraction thereof.
  - c. Little cigars: \$0.05 per unit or cigar.
  - d. Large cigars: \$0.30 per unit or cigar.

(e)*Consumable Product tax rate.* Effective May 1, 2016, a tax at the rate of \$0.20 per fluid milliliter is hereby imposed upon Consumable Products sold within the County of Cook. All invoices for vapor products issued by manufacturers and/or wholesalers must state the amount of Consumable Products in milliliters. The ultimate incidence of and liability for payment of said tax is to be borne by the Consumer of such Consumable Products.

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

(g)*Other Tobacco Products and Consumable Products tax remittance.*

- (1) *Wholesale Tobacco Dealers.* It shall be the duty of every wholesale tobacco dealer to remit the tax due on the sales of Other Tobacco Products and Consumable Products to retail tobacco dealers and/or retail cigarette manufacturers in Cook County on forms prescribed by the Department, on or before the twentieth day of the month following the month in which the sales of Other Tobacco Products occurred. Registered wholesale tobacco dealers must file a monthly return even if no tax is due.
  
- (2) *Retail Cigarette Manufacturers.* It shall be the duty of every retail cigarette manufacturer to remit the tax due on cigarettes produced and sold on the premises, on forms prescribed by the Department, on or before the twentieth day of the month following the month in which the

cigarette sales occurred. Registered retail cigarette manufacturers must file a monthly return even if no tax is due.

- (3) *Retail tobacco dealers' and/or retail cigarette manufacturers' untaxed Other Tobacco Products and Consumable Products.* It shall be the duty of every retail tobacco dealer and/or retail cigarette manufacturer that purchases or acquires Other Tobacco Products and/or Consumable Products on which the tax set forth in this Article has not been paid, to remit the tax due, on forms prescribed by the Department, on or before the twentieth day following the month in which the Other Tobacco Products and/or Consumable Products were purchased, acquired or manufactured by the retail tobacco dealer and/or retail cigarette manufacturer for which taxes were not paid were sold in Cook County to a consumer. Registered retail tobacco dealers and retail cigarette manufacturers must file a monthly return even if no tax is due.

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

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

#### **Sec. 74-434. Tax-free sales.**

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

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

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

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

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

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

- (1) Counterfeit cigarettes or counterfeit other tobacco products.
- (2) Counterfeit tax stamps.

- (3) Improperly stamped packs.
- (4) Unstamped packs.
- (5) Illegal imports/exports ~~Other tobacco products and Consumable Products.~~
- (6) Other Tobacco Products and/or Consumable Products on which the tax should have been paid and has not been paid.
- (7) Used/reused tax stamps.
- (8) Packs bearing an altered or mutilated tax stamp.
- (9) Retail manufactured cigarettes either loose or in packs.

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

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

(c) Prima facie presumption. The sale, resale or possession by a wholesale tobacco dealer, ~~or~~ retail tobacco dealer or retail cigarette manufacturer of any item(s) listed in Section 74-435(a)(1) through (9) above; and/or any wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer engaging in activity as set forth in Section 74-435(b)(1) through (5) above; and/or altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes; and the sale or resale, by a retail tobacco dealer or retail cigarette manufacturer, of Other Tobacco Products and/or Consumable Products on which the tax provided by this article has not been paid the failure of any wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer to present books and records showing that applicable taxes have been paid shall give rise to the prima facie presumption that the wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer is in violation of the provisions of this article. Wholesale tobacco dealers, r Retail tobacco dealers and retail cigarette manufacturers shall be held strictly liable for violations of this ordinance that occur within their premises regardless of the employment status of the actual violator, or regardless of the actual knowledge of the wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer of such activities by the

wholesale tobacco dealer's, retail tobacco dealer's or retail cigarette manufacturer's employees or other third party actors within those premises.

(d)Personal use is not a defense when charged with violating this ordinance.

~~(de) Cigarette pack, tax stamp, loose cigarettes, other tobacco products and hindrance violation~~  
Penalties

Violation Type	Penalties Amount
<u>Altered/mutilated</u>	
40 packs or less	\$2,000.00
41 packs or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<u>Books and records</u>	
1st Offense	1,000.00
2nd Offense	2,000.00
<u>Concealment</u>	
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	4,000.00
<u>Consumable Products</u>	
1st Offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
<u>Counterfeit packs of cigarettes</u>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<u>Counterfeit tax stamps</u>	
40 or less	2,000.00
41 or more, per stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<u>Hinder inspection or audit/Hinderance</u>	
1st Offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
<u>Illegal imports/exports</u>	
40 packs or less	2,000.00
41 packs or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<u>Improperly stamped packs</u>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<u>Loose cigarettes</u>	
40 or less	1,000.00
41 or more, per cigarette	25.00
2nd and each subsequent offense, an additional	2,000.00

<i>Other tobacco products_</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
<i>Retail manufactured cigarette packs_</i>	
40 packs or less	1,000.00
41 or more, per pack	25.00
2nd and each subsequent offense, an additional	2,000.00
<i>Sales to unregistered wholesalers_</i>	
1st offense	2,000.00
2nd and each subsequent offense, an additional	4,000.00
<i>Unstamped packs_</i>	
40 packs or less	1,000.00
41 packs or more, per pack	25.00
2nd and each subsequent offense, an additional	2,000.00
<i>Utilization of used or reused tax stamps_</i>	
40 or less packs or stamps	2,000.00
41 or more packs or stamps, per pack or stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Hinder inspection or audit</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00

**Sec. 74-436. Other violation penalties.**

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

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

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

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

(a) *Cigarettes.* With respect to cigarettes purchased over the internet, by mail order or outside the County, if the tax on cigarettes which is imposed pursuant to this article, as amended, has not been paid by

a wholesaler or retailer prior to use or possession of the cigarette by a person within the County of Cook, such person shall be obligated to make payment of the tax directly to the Department. Within 30 days of purchase, such person shall file a return with the Department of Revenue and pay the tax, penalties and interest due under this article, as amended.

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

**Sec. 74-438. Mutilation of tax stamps.**

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

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

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

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

- (1) Purchase order documents, serially numbered, indicating the date; name, address of the person or business from whom the cigarettes, Other Tobacco Products, and or Consumable Products were purchased; brand name, type and total number of packages to be purchased, in sequential date order, including the amount of Consumable Products in milliliters.
- (2) Delivery or receipt documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes, Other Tobacco Products, and/or Consumable Products were delivered; brand name, type and total number of packs delivered, in sequential date order including the amount of Consumable Product in milliliters.
- (3) Wholesale tobacco dealer sales documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes, Other Tobacco Products, and/or Consumable



Products were sold; brand name, type and total number of packs delivered, in sequential date order, including the amount of Consumable Product in milliliters.

- (4) Retail tobacco dealer sales documents, indicating in sequential date order, brand name, type and total number of packs or amounts, including the amount of Consumable Product in milliliters, of Other Tobacco Products and/or Consumable Products sold, each day.
- (5) ~~Wholesale~~Retail tobacco dealer cigarette inventory reconciliation, indicating daily, weekly or monthly beginning inventory, purchases, sales and ending inventory, in sequential date order.
- (6) Retail tobacco dealer monthly wholesaler list, indicating the name and address of each wholesaler from whom cigarette, Other Tobacco Products, and/or Consumable Products inventory was purchased; brand name; type and total number of packs and total amount of Consumable Product in milliliters purchased from each wholesaler.

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

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

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

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

(a)*Confiscation; seizure.* Whenever the Department or any of its duly authorized representatives shall discover any cigarettes, cigarette tax stamps, other tobacco products, and/or Consumable Products possessed, for sale, or used in violation of this article~~subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required~~, they are hereby authorized

and empowered forthwith to confiscate; seize and take possession of such cigarettes, cigarette tax stamps, other tobacco products, and/or Consumable Products together with any vending machine; receptacle; container; vessel or holder in which they are held for sale except for money contained in such vending machine or receptacle, and shall thereupon be deemed to be forfeited to the County of Cook.

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

(c)Other Tobacco Product and Consumable Products redemption. A retail tobacco dealer who was unable to provide books and records evidencing tax payment at the time of confiscation may redeem the confiscated Other Tobacco Products and/or Consumable Products by submitting proof that the tax was previously paid, or paying all tax due, and paying a fee of \$25 in addition to any outstanding judgments related to the original confiscation.

**Sec. 74-442. Posting of signs.**

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

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

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

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

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

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

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

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

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

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

(b)*Monthly tax return.* Notwithstanding the provisions of Subsection 74-433(b), Section 74-435, Subsection 74-445(a) and subsection (a) of this section, the Department may provide by regulation that the tax imposed on cigarettes by this article, in the alternative, shall be collected by means of the filing of a sworn tax return to be prepared and filed by every wholesale tobacco dealer who sells cigarettes for consumption in the County of Cook. Said return shall be filed on a monthly basis and shall contain the same information required by Subsection 74-445(b) of this article. Said return shall be filed with the Department on or before the fifteenth day of each month stating such other and further information as may be required by the Department, and said return shall be accompanied by a certified check in the amount of the tax due and payable upon such taxable sales made by said wholesale tobacco dealer in the County of Cook during the preceding month. In the event such alternative method is utilized, no other method of collecting said tax may be used; however, all other applicable provisions of this article shall remain in full force and effect

with the exception of the necessity of filing a quarterly tax return as provided in Section 74-443 of this article, which shall not be required.

**Sec. 74-447. Rulemaking.**

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

(b) By November 20, 2016, 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 Other Tobacco Products and Consumable Products, on which the tobacco tax was not previously paid, in their possession or control on October 1, 2016. With said inventory, the retail tobacco dealer shall submit a Department issued tax return and pay to the Cook County Collector the taxes due with respect to all Other Tobacco Products and Consumable Products, on which the tobacco tax was not previously paid, which were in the retail tobacco dealer's possession or control on October 1, 2016.

(bc) 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, 2013. With said inventory, the wholesale tobacco dealer shall submit a Department issued tax return and 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, 2013.

(ed) 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, 2013. With said inventory, the retail tobacco dealer shall submit a Department issued tax return and 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, 2013.

(de) 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.

(ef) Every retail 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, or fails to pay all required tax due computed thereon, shall be subject to a penalty of \$1,000.00 per business location required to be reported on the tax return, in addition to all other penalties and interest that may be due under the provisions of Chapter 34, Article III, Uniform Penalties, Interest and Procedures and Section 74-436 of this article.

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

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

**Sec. 74-449. Deposit of tax proceeds.**

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the Department. The Department shall direct every dollar collected from the 2013 increase in the rate of the Home Rule Tobacco Tax to be deposited into the funds of the Cook County Health and Hospitals System for Fiscal Year 2013 as approved by the Budget Director. Deposit of tax proceeds following Fiscal Year 2013 shall be deposited into various funds and/or accounts as prescribed by the Budget Director.

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

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

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

**Effective date:** This ordinance shall be in effect beginning June 1, 2016

**BUREAU OF ADMINISTRATION**  
**DEPARTMENT OF TRANSPORTATION AND HIGHWAYS**

**16-1559**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**REPORT**

**Department:** Transportation and Highways

**Request:** Receive and File.

**Report Title:** Bureau of Construction Monthly Progress Report

**Report Period:** Ending 3/31/2016

**Summary:** Submitted is a copy of the Construction Bureau Report ending 3/31/2016.

**16-1720**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CONTRACT AMENDMENT (TRANSPORTATION AND HIGHWAYS)**

**Department(s):** Transportation and Highways

**Vendor:** Roy Strom Refuse Removal Service, Inc., Maywood, Illinois

**Request:** Authorization for the Chief Procurement Officer to extend contract

**Good(s) or Service(s):** Waste Removal Services

**Location:** Maintenance Districts 1, 2, 3, 4, 5

**County Board District(s):** 5, 14, 16, 17

**Original Contract Period:** 4/1/2013 - 3/31/2015 with two (2), one (1) year renewal options.

**Section:** 13-7WMRD-01-MG

**Proposed Contract Period Extension:** 4/1/2016 - 3/31/2017

**Section:** 13-7WMRD-01-MG

**Total Current Contract Amount Authority:** \$148,537.50

**Original Approval (Board or Procurement):** 3/12/2013, \$68,537.50

**Previous Board Increase(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 10/27/2015, 3/13/2015 - 3/12/2016, \$80,000.00

**This Increase Requested:** N/A

**Potential Fiscal Impact:** FY 2016 \$30,000.00 FY 2017 \$10,000.00

**Accounts:** Motor Fuel Tax Fund: (600-585 Account)

**Contract Number(s):** 12-53-453

**IDOT Contract Number(s):** N/A

**Federal Project Number(s):** N/A

**Federal Job Number(s):** N/A

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**16-2034**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED INTERGOVERNMENTAL AGREEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** City of Chicago, Chicago, Illinois

**Request:** Approval

**Goods or Services:** City of Chicago will direct the Phase II Design Engineering Services and preparation of construction plans, specifications, estimates and contract documents for improvements along Kedzie Avenue at Milwaukee Avenue and Logan Boulevard. The County will reimburse the City of Chicago for its share of costs for the Phase II Design Engineering Services (estimated total County share \$240,000.00) under County Section: 14-W4632-01-EG.

**Location:** Kedzie Avenue at Milwaukee Avenue and Logan Boulevard in the City of Chicago

**Section:** 14-W4632-01-EG

**Centerline Mileage:** N/A

**County Board District:** 8

**Agreement Number(s):** N/A

**Agreement Period:** N/A

**Fiscal Impact:** \$240,000.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** This Agreement is necessitated by the improvement to ensure safe, comfortable and sustainable highways in accordance with the Department's mission statement. The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

**16-2035**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED INTERGOVERNMENTAL AGREEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Illinois Central Management Services, Springfield, Illinois

**Request:** Approval

**Goods or Services:** The Department of Transportation and Highways submits for execution an Intergovernmental Agreement of Understanding for Maintenance and Construction with the Illinois Central Management Services wherein the County will close the existing and future Permits for the installation of fiber optic cable and release all the bonds.

**Location:**

- 11-08-3139-C Vollmer Road, I57 in the Village of Matteson
- 11-08-3143-C Steger Road, I57 in the Village of Monee
- 11-08-3144-C Flossmoor Road, I57 in the City of Country Club Hills
- 11-08-3147-C Sauk Trail, I57 in the Village of Richton Park
- 12-02-3383-C Roselle Road, Algonquin Road in the Village of Palatine

**Section:** N/A

**Centerline Mileage:** N/A

**County Board District:** County Wide

**Agreement Number(s):** N/A

**Agreement Period:** One-time agreement

**Fiscal Impact:** None

**Accounts:** N/A

**Summary:** This Agreement is necessitated by the improvement to ensure safe, comfortable and sustainable highways in accordance with the Department's mission statement. The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

Additionally the Parties agree that the closure of future Permits granted by the County to CMS shall be subject to the requirements of Section 3.



**16-2250**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED ACQUISITION OF REAL ESTATE**

**Department:** Transportation and Highways

**Other Part(ies):** N/A

**Action:** Refer to the Committee of Roads and Bridges. The Cook County Department of Transportation and Highways requests permission to discuss the above captioned matter with the Board of Commissioners, or the appropriate Committee thereof, pursuant to County Ordinance 95-O-7 regarding acquisition of real estate.

**Section:** 14-A5015-04-RP

**Parcel(s):** 0KR0004TE-A, -B & -C

**Location:** Lake Cook Road, Raupp Boulevard to Weiland Road in the Village of Buffalo Grove

**Board District:** 14

**Fiscal Impact:** N/A

**Accounts:** N/A

**16-2368**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED COMPLETION OF CONSTRUCTION APPROVAL RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Plote Construction, Inc., Hoffman Estates, Illinois

**Action:** Approval

**Good(s) or Service(s):** Pavement Resurfacing Enhancement Program-North 2014 This improvement, consisted of removal of the existing hot-mix asphalt surface, resurfacing with hot-mix asphalt surface course, leveling binder (machine method), drainage repairs and adjustments, sidewalk removal and ADA ramp replacement, pavement marking, traffic protection, top soil and seeding, guardrail upgrades and maintenance and all other related work and miscellaneous appurtenances.

The decreases are attributed to the difference between the estimated quantities and actual field quantities of work performed with deductions in hot mix asphalt surface removal, hot mix asphalt binder course, temporary butt joints, concrete sidewalk, traffic barrier terminal, seeding, survey monuments, engineer's field office and class c and d patching per field conditions.

**Location of Project:** Euclid Avenue, Plum Grove Road to Hicks Road in the City of Rolling Meadows  
Illinois Road, Happ Road to Edens Expressway in the Village of Wilmette  
Illinois Road, Skokie Road to Locust Road in the Villages of Northfields and Wilmette  
Locust Road, Illinois Road to Hill Road in the Villages of Wilmette and Winnetka  
Naperville Road, West Bartlett Road to Lake Street in Village of Bartlett  
Techny Road, Sanders Road to Pfingsten Road in the Village of Northfield  
Willow Road, Waterman Avenue to Shoenbeck Road in the Village of Arlington Heights and City of Prospect Heights

**Section:** 13-PREPN-01-RS

**County Board District:** 13, 14, 15, 17

**Contract Number:** 1455-13427

**Federal Project Number:** N/A

**Federal Job Number:** N/A

**Final Cost:** \$2,479,422.08

**Percent Above or Below Construction Contract Bid Amount:** -\$115,649.27 or 4.5% below the Construction Contract Bid Amount

**Summary:** On June 18, 2014 your Honorable Body awarded a contract to Plote Construction, Inc., Hoffman Estates, Illinois for the aforesaid improvement to be completed in accordance with the plans and specifications. The awarded contract amount of this project was \$2,595,071.35 and the final construction cost is \$2,479,422.08. Motor Fuel Tax Fund 600-585 Account.

## **16-2372**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

### **PROPOSED CONTRACT AMENDMENT**

**Department(s):** Department of Transportation and Highways, Cook County Sheriff's Office, Clerk of the Circuit Court, Adult Probation Department and Homeland Security and Emergency Management

**Vendor:** Acorn Garage, Inc., Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to extend and increase contract

**Good(s) or Service(s):** Maintenance, Repair, Parts and Labor for Buses and Heavy Duty Trucks for Zone One (1).

**Original Contract Period:** 5/7/2012 - 5/6/2014

**Proposed Contract Period Extension:** 5/7/ 2016 - 11/5/2016

**Total Current Contract Amount Authority:** \$1,799,110.39

**Original Approval (Board or Procurement):** 5/1/2012, \$384,155.00

**Previous Board Increase(s) or Extension(s):** 6/18/2014, \$608,000.00, 5/7/2014 - 5/6/2015;  
6/10/2015, \$806,955.39

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 5/12/2015, 5/7/2015 - 5/6/2016

**This Increase Requested:** \$200,000.00

**Potential Fiscal Impact:** FY 2016 \$200,000.00

**Accounts:** Various 444

**Contract Number(s):** 11-53-130A

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprises Ordinance.

The Chief Procurement Officer concurs.

**Summary:** The Department of Transportation and Highways, Cook County Sheriff's Office, Clerk of the Circuit Court, Adult Probation Department and Homeland Security and Emergency Management are requesting an increase and extension to the contract with Acorn Garage, Inc. for maintenance, repair parts and labor for buses and heavy duty trucks for Zone One (1). The Office of the Chief Procurement Officer is working with User Agencies to complete the competitive bidding process for a new contract.

This contract was awarded through the competitive bidding process in accordance with the Cook County Procurement Code. Acorn Garage, Inc. was the lowest, responsive and responsible bidder.

**BUREAU OF ASSET MANAGEMENT**  
**OFFICE OF ASSET MANAGEMENT**

**16-2503**

**Presented by:** ELAINE LOCKWOOD BEAN, Chief, Bureau of Asset Management

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Bureau of Asset Management

**Vendor:** Clayco, Chicago, Illinois

**Request:** Authorization for the Office of the System Director-Supply Chain Management to extend and amend contract

**Good(s) or Service(s):** Developer Service

**Original Contract Period:** 11/18/2015 - 6/30/2016 (Phase #1)

**Proposed Contract Period Extension:** 7/1/2016 - 09/30/2018

**Total Current Contract Amount Authority:** \$946,410.00

**Original Approval (Board or Procurement):** 11/18/2015

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** N/A

**This Increase Requested:** \$112,640,000.00

**Potential Fiscal Impact:** FY 2016 \$13,027,729, FY 2017 \$81,895,138, FY 2018 \$17,717,133

**Accounts:** 1619

**Contract Number(s):** H15-25-126

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** The County and CCHHS have determined that Clayco, Inc. (Developer) has completed Phase 1 of the Agreement, which included programming, feasibility and schematic design services to meet CCHHS administrative and clinical needs. A new 9-story, 282,000 square foot ambulatory and administrative office building is proposed for the corner of West Polk Street and South Damen Avenue. This building will allow CCHHS to decommission nearly 680,000 square feet of real estate (including the Fantus Clinic, Polk Administration Building, and Hektoen Auditorium and Office). This new building will allow CCHHS to compete in current and future healthcare markets, improve outpatient services, reduce operating costs, avoid costly capital renewals for obsolete buildings, and increase clinical and administrative efficiency.

The Agreement provides that upon completion of Phase 1 the County and CCHHS may elect to engage the Developer for Phase 2 Services which will include the elaboration of the schematic design into design development, construction documents and construction. The Construction Contract with the County and CCHHS will be added as an amendment and modification to the Agreement.

The County and CCHHS seek authority to enter into a Construction Contract with the Developer which will be added as an amendment and modification to the Agreement. The Clayco contract budget shall not exceed \$112,640,000.00 which includes: 1) \$108,500,000.00 to design and construct the new buildings and related site work; and 2) \$4,140,000.00 as the owner's contingency. The Agreement will be extended to September, 2018 to allow for Phase 2 Services to be completed.

**BUREAU OF ASSET MANAGEMENT**  
**CAPITAL PLANNING AND POLICY**

**16-2491**

**Presented by:** PHIL BOOTHBY, Director, Office of Capital Planning and Policy

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Capital Planning and Policy, Facilities Management, Transportation and Highways

**Vendor:** The Gordian Group, Inc., Greenville, South Carolina

**Request:** Authorization for the Chief Procurement Officer to renew and increase contract

**Good(s) or Service(s):** Professional Services

**Original Contract Period:** 5/1/2012 – 4/30/2015 with two (2), one (1) year renewal options

**Proposed Contract Period Extension:** 5/1/2016 – 4/30/2017

**Total Current Contract Amount Authority:** \$3,550,000.00

**Original Approval (Board or Procurement):** 5/14/2012, \$1,050,000.00

**Previous Board Increase(s) or Extension(s):** 9/10/2014, \$2,500,000.00

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 4/24/2015, 5/1/2015 – 4/30/2016

**This Increase Requested:** \$3,500,000.00

**Potential Fiscal Impact:** FY 2016 \$1,750,000.00, FY 2017 \$1,750,000.00

**Accounts:** Capital Improvement Program - 580

**Contract Number(s):** 11-28-043

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** The objective of the JOC program is to provide an alternate procurement method to enable the County to rapidly engage construction projects simultaneously.

The request to increase in the amount of \$3,500,000.00 is based on the available capacity of the JOC Contractors. The Gordian Group's fee for the services provided is assessed as a percentage of the value of construction procured by the County through the JOC program. The increase requested through this

amendment was calculated by the applying The Gordian Group's percent fee against the total value of construction that is available to be purchased by the County through its JOC contracts. The County is under no obligation to expend the amount requested, and is only obligated to pay The Gordian Group's fee when the construction work is procured through the JOC program. This amendment will allow the County to utilize these services on the new JOC contracts during their contract term.

This contract was awarded through a Request for Proposal (RFP) procedures in accordance with Cook County Procurement Code. The Gordian Group, Inc. was awarded based on established evaluation criteria.

### 16-2493

**Presented by:** PHIL BOOTHBY, Director, Office of Capital Planning and Policy  
BILQIS JACOBS-EL, Director, Department of Facilities Management  
JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

#### PROPOSED CONTRACT

**Department(s):** Capital Planning & Policy; Facilities Management; Transportation and Highways

**Vendor:** Various vendors (see "Summary" below)

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Countywide Job Order Contract (JOC) Program

**Contract Value:** \$89,000,000.00

**Contract period:** 6/1/2016 - 5/31/2018, with two (2), one (1) year renewal options

**Potential Fiscal Year Budget Impact:** FY 2016 \$44,500,000.00, FY 2017 \$44,500,000.00

**Accounts:** Capital Improvement Program - 580

**Contract Number(s):** 1555-14475

#### Concurrences:

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** JOC is a quantity based procurement process that allows the facility owners to complete a multitude of repair/maintenance/replacement and construction projects with a single, competitively bid contract. The JOC process generally involves first selecting a vendor pool of potential contractors through a competitive procurement process, and then identifying projects for such selected contractors. Explanation of Fiscal Impact: The County will award a series of JOC contracts for a not to exceed dollar amount. The number of projects and dollar value of each are unknown at this time. The potential fiscal impact of \$44.5 million annually for (2) years. The contracts that have \$0.00 listed as a not to exceed amount are for use by other entities such as the Forest Preserve District of Cook County, the Chicago Housing Authority, and municipalities that utilize our program.

Competitive bidding procedures were followed in accordance with the Cook County Procurement Code. The contractors listed in the table below are the lowest, responsive and responsible bidders in each respective category.

Contract No.	Vendors Pool	Not to Exceed Base Term Amount (2 years)
<b>General Contractors</b>		
1555-14475 GC 1	F.H. Paschen, S.N. Nielsen & Associates LLC	\$7,000,000.00
1555-14475 GC 2	AGAE Contractors, Inc.	\$7,000,000.00
1555-14475 GC 3	Paul Borg Construction Company	\$7,000,000.00
1555-14475 GC 4	Old Veteran Construction, Inc.	\$7,000,000.00
<b>Mechanical Contractors</b>		
1555-14475 MC 5	S Mechanical, Inc.	\$5,000,000.00
1555-14475 MC 6	Paschen Autumn Joint Venture	\$5,000,000.00
<b>Electrical Contractors</b>		
1555-14475 EC 7	Paschen M. G. Joint Venture	\$5,000,000.00
1555-14475 EC 8	Sharlen Electric Company	\$5,000,000.00
<b>Site Work Contractors</b>		
1555-14475 SW 9	F.H. Paschen, S.N. Nielsen & Associates LLC	\$4,000,000.00
1555-14475 SW 10	MQ Sewer & Water Contractors, Inc. dba MQ Construction Company	\$4,000,000.00
<b>Demolition Contractors</b>		
1555-14475 D 11	F.H. Paschen, S.N. Nielsen & Associates LLC	\$10,000,000.00
1555-14475 D 12	Old Veteran Construction, Inc.	\$10,000,000.00
<b>Residential Contractors</b>		
1555-14475 RC 13	Pacific Construction Services, Inc.	\$0.00
<b>General Contractors Small Business Enterprise</b>		
1555-14475 GC SBE 14	AGAE Contractors, Inc.	\$3,000,000.00
1555-14475 GC SBE 15	Pacific Construction Services, Inc.	\$3,000,000.00

	<b>Mechanical Contractor Small Business Enterprise</b>	
1555-14475 MC SBE 16	Autumn Construction Services, Inc.	\$2,000,000.00
	<b>Electrical Contractor Small Business Enterprise</b>	
1555-14475 EC SBE 17	All Tech Energy, Inc.	\$2,000,000.00
	<b>Site Work Contractor Small Business Enterprise</b>	
1555-14475 SW SBE 18	MQ Sewer & Water Contractors, Inc. dba MQ Construction Company	\$1,500,000.00
	<b>Demolition Contractor Small Business Enterprise</b>	
1555-14475 D SBE 19	AGAE Contractors, Inc.	\$1,500,000.00
	<b>Residential Contractor Small Business Enterprise</b>	
1555-14475 RC SBE 20	Accel Construction Services, Inc.	\$0.00

**16-2496**

**Presented by:** PHIL BOOTHBY, Director, Office of Capital Planning and Policy

**PROPOSED CONTRACT**

**Department(s):** The Department of Capital Planning and Policy

**Vendor:** The Bowa Group, Inc., Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Construction Services

**Contract Value:** \$854,888.00

**Contract period:** 4/25/2016 - 4/24/2017

**Potential Fiscal Year Budget Impact:** FY 2016 \$854,888.00

**Accounts:** Capital Improvement Program - 580

**Contract Number(s):** 1555-14935

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.



The Chief Procurement Officer concurs.

**Summary:** This project provides for the construction of two new children's advocacy rooms located at the Criminal Courts Administration Building and the Rolling Meadows Courthouse. These rooms will provide a safe, nurturing environment free from the stressful, emotionally charged atmosphere of a courtroom for children whose parents are conducting court business. These rooms seek to ensure every child is recognized as an individual whose gender, abilities, personal privacy, choice of activities, and cultural, ethnic and religious background are treated with dignity and respect.

The Children's Advocacy Rooms provide free, on-site child care, staffed by experienced early child development professionals who are trained to respond compassionately to children whose experience with the court can involve highly charged & emotional issues. The rooms are welcoming environments, cheerfully decorated and child centered with age and developmentally appropriate activities. An array of books, toys games, and movies allow the children to be children. Each room will also have a Parent Resource Center with brochures and pamphlets provided by social service and other outreach agencies. Competitive bidding procedures were followed in accordance with the Cook County Procurement Code. The Bowa Group, Inc., is the lowest, responsive and responsible bidder.

## 16-2499

**Presented by:** PHIL BOOTHBY, Director, Office of Capital Planning and Policy

### PROPOSED CONTRACT

**Department(s):** The Department of Capital Planning and Policy

**Vendor:** Pagoda-CCI Joint Venture I, Flossmoor, Illinois

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Construction Services

**Contract Value:** \$3,393,000.00

**Contract period:** 4/25/2016 - 4/24/2017

**Potential Fiscal Year Budget Impact:** FY 2016, \$3,393,000.00

**Accounts:** Capital Improvement Program - 580

**Contract Number(s):** 1555-15033

### Concurrences:

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This project provides for renovation on floors 7, 8 and 9 at the Criminal Courts Administration Building. The Public Defender's Office occupied these floors with 218 full time

employees (FTE). The renovation will upgrade the physical environment to adequately support the operational and staffing requirements of the Public Defender Office. Furthermore, it will provide a more efficient layout to consolidate staffing to accommodate a total of 276 FTEs.

Competitive bidding procedures were followed in accordance with the Cook County Procurement Code. Pagoda-CCI Joint Venture I, is the lowest, responsive and responsible bidder.

**BUREAU OF ASSET MANAGEMENT**  
**FACILITIES MANAGEMENT**

**16-1127**

**Presented by:** BILQIS JACOBS-EL, Director, Department of Facilities Management

**PROPOSED CONTRACT**

**Department(s):** Facilities Management

**Vendor:** Southwest Industries, Inc. d/b/a Anderson Elevator Company, Broadview, Illinois

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** County-wide Elevators, Escalators, Dumbwaiters, Wheelchair Lifts, and Related Equipment Maintenance and Repair

**Contract Value:** \$8,961,643.00

**Contract period:** 3/1/2016 – 2/28/2019, with two (2), one (1) year renewal options

**Potential Fiscal Year Budget Impact:**

**200-450** FY 2016 \$1,586,262.96; FY 2017 \$2,115,017.28; FY2018 \$2,115,017.28; FY2019 \$528,754.48;  
**898-450** FY2016 \$97,316.66, FY 2017 \$106,407.66, FY2018 \$106,407.66, FY 2019 \$9,280.02;  
**897-450** FY2016 \$486,202.73, FY2017 \$648,270.33 FY2018 \$648,270.00 FY2019 \$162,067.56;  
**891-450** FY2016 \$97,880.00, FY2017 \$117,456.00, FY2018 \$117,456.00, FY2019 \$19,576.00

**Accounts:** 200-450, 898-450, 897-450, 891-450

**Contract Number(s):** 1545-14645

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This contract will ensure that all transport/lift devices for the Department of Facilities Management, Stroger Hospital, Provident Hospital and Oak Forest Hospital are operational.

The competitive bidding process was followed in accordance with the Cook County Procurement Code. Bids were solicited for maintenance and repair services for elevators, escalators, dumbwaiters and wheelchair lifts. Southwest Industries, Inc. d/b/a Anderson Elevator Company was the lowest, responsive and responsible bidder.

**16-1938**

**Presented by:** BILQIS JACOBS-EL, Director, Department of Facilities Management

**PROPOSED TRANSFER OF FUNDS**

**Department:** Facilities Management

**Request:** Fund Transfer

**Reason:** To allow Facilities Management to purchase additional custodial supplies

**From Account(s):** 200-333, \$100,000.00

**To Account(s):** 200-330, \$100,000.00

**Total Amount of Transfer:** \$100,000.00

**On what date did it become apparent that the receiving account would require an infusion of funds in order to meet current obligations? What was the balance in the account on that date, and what was the balance 30 days prior to that date?**

It became apparent on 2/23/2016 that account 330 would need additional funding. As of 2/22/2016 the balance was \$54,003.00 and on 1/26/2016 the balance was \$77,137.00

**How was the account used for the source of transferred funds identified? List any other accounts that were also considered (but not used) as the source of the transferred funds.**

This account was chosen because of the amount of unencumbered funds

**Identify any projects, purchases, programs, contracts, or other obligations that will be deferred, delayed, or canceled as a result of the reduction in available spending authority that will result in the account that funds are transferred from.**

None

**If the answer to the above question is “none” then please explain why this account was originally budgeted in a manner that caused an unobligated surplus to develop at this point in the fiscal year.**

This account was chosen because of the unobligated amount in the account listed above.

**16-2083**

**Presented by:** BILQIS JACOBS-EL, Director, Department of Facilities Management

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Facilities Management

**Vendor:** Tiles In Styles, LLC d/b/a Taza Supplies, Naperville, Illinois

**Request:** Authorization for the Chief Procurement Officer to increase contract

**Good(s) or Service(s):** Furnish and Install Carpeting

**Original Contract Period:** 7/1/2012 - 6/30/2015, with one (1), one (1) year renewal option

**Proposed Contract Period Extension:** N/A

**Total Current Contract Amount Authority:** \$1,720,800.00

**Original Approval (Board or Procurement):** 5/1/2012, \$1,420,400.00

**Previous Board Increase(s) or Extension(s):** 7/29/2015, \$300,400.00; 7/1/2015 - 6/30/2016

**Previous Chief Procurement Officer Increase(s) or Extension(s):** N/A

**This Increase Requested:** \$900,000.00

**Potential Fiscal Impact:** FY 2016 \$900,000.00

**Accounts:** Capital Improvement Program - 583

**Contract Number(s):** 12-45-039

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This increase will allow Tiles In Styles, LLC d/b/a Taza Supplies to continue to supply and install carpeting throughout County facilities at the request of the Department of Facilities Management.

This contract was awarded through the competitive bidding process in accordance with the Cook County Procurement Code. Tiles In Style, LLC d/b/a Taza Supplies was the lowest, responsive and responsible bidder.

**16-2101**

**Presented by:** BILQIS JACOBS-EL, Director, Department of Facilities Management

**PROPOSED TRANSFER OF FUNDS**

**Department:** Facilities Management

**Request:** Transfer of funds

**Reason:** To allow Facilities Management to rent equipment

**From Account(s):** 200-333, \$100,000.00

**To Account(s):** 200-638, \$100,000.00

**Total Amount of Transfer:** \$100,000.00

**On what date did it become apparent that the receiving account would require an infusion of funds in order to meet current obligations? What was the balance in the account on that date, and what was the balance 30 days prior to that date?**

It became apparent on 3/1/2016 that additional funds would be needed in this account. The balance on 3/1/2016 was \$19,125.00. The balance in this account on 2/1/2016 was 57,000.00

**How was the account used for the source of transferred funds identified? List any other accounts that were also considered (but not used) as the source of the transferred funds.**

This account was chosen because of the amount of unencumbered funds.

**Identify any projects, purchases, programs, contracts, or other obligations that will be deferred, delayed, or canceled as a result of the reduction in available spending authority that will result in the account that funds are transferred from.**

None

**If the answer to the above question is “none” then please explain why this account was originally budgeted in a manner that caused an unobligated surplus to develop at this point in the fiscal year.**

This account was chosen because of the unobligated amount in the account listed above.

**16-2267**

**Presented by:** BILQIS JACOBS-EL, Director, Department of Facilities Management

**PROPOSED CONTRACT**

**Department(s):** Department of Facilities Management, Cook County Sheriff's Office and Department of Transportation and Highways

**Vendor:** Hertz Equipment Rental Corporation, Park Ridge, New Jersey

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Equipment Rental Services

**Contract Value:** \$624,200.00

**Contract period:** 4/15/2016 - 4/14/2017, with three (3), one (1) year renewal options

**Potential Fiscal Year Budget Impact:**

200 FY2016 \$175,000.00; FY2017 \$125,000.00

499 FY2016 \$72,450.00; FY2017 \$51,750.00

501 FY2016 \$75,000.00; FY2017 \$125,000.00

**Accounts:** 200-638, 499-444, 501-638

**Contract Number(s):** 1684-15307

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** The Department of Facilities Management, Cook County Sheriff's Office and Department of Transportation and Highways request authorization for the Chief Procurement Officer to enter into and execute a contract with Hertz Equipment Rental Corporation to provide, on a limited basis, rental options to support a shortage of industrial equipment and an aging fleet.

This is a Comparable Government Procurement pursuant to Section 34-140 of the Cook County Procurement Code. Hertz Equipment Rental Corporation was previously awarded a contract through a Request for Proposals (RFP) process through U.S. Communities, a national government purchasing cooperative sponsored by the National Association of Counties (NACo) and the National Institute of Government Purchasing (NIGP), and in cooperation with North Carolina State University. Cook County would like to leverage this procurement effort.

**BUREAU OF ASSET MANAGEMENT**  
**REAL ESTATE**

**16-2040**

**Presented by:** JESSICA CAFFREY, Director, Real Estate Management Division

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Department of Real Estate Management

**Vendor:** Applied Real Estate Analysis, Inc., Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to renew contract

**Good(s) or Service(s):** Real Estate Appraisal Services

**Original Contract Period:** 2/20/2013 - 1/31/2015, with three (3), one (1) year renewal options

**Proposed Contract Period Extension:** 2/1/2016 - 1/31/2017

**Total Current Contract Amount Authority:** \$50,000.00

**Original Approval (Board or Procurement):** \$50,000.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 3/27/2015, 2/1/2015 - 1/31/2016

**This Increase Requested:** N/A

**Potential Fiscal Impact:** None

**Accounts:** 031-260

**Contract Number(s):** 13-88-033

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This second of three (3), one (1) year renewal options will allow Applied Real Estate Analysis, Inc. to continue to provide real estate appraisal services, on an as-needed basis, for projects undertaken by the Cook County Real Estate Division which require qualified and licensed real estate appraisal professionals. The Department of Real Estate Management provides oversight of appraisal services provided by Applied Real Estate Analysis, Inc.

This is a Comparable Government Procurement pursuant to Section 34-140 of the Cook County Procurement Code. Applied Real Estate Analysis, Inc. was previously awarded a contract by the City of Chicago through a Request for Qualifications (RFQ) process.

**16-2041**

**Presented by:** JESSICA CAFFREY, Director, Real Estate Management Division

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Department of Real Estate Management

**Vendor:** Allied Appraisal Company, Burr Ridge, Illinois

**Request:** Authorization for the Chief Procurement Officer to renew contract

**Good(s) or Service(s):** Real Estate Appraisal Services

**Original Contract Period:** 2/20/2013 - 1/31/2015, with three (3), one (1) year renewal options

**Proposed Contract Period Extension:** 2/1/2016 - 1/31/2017

**Total Current Contract Amount Authority:** \$50,000.00

**Original Approval (Board or Procurement):** 2/19/2013, \$50,000.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 3/27/2015, 2/1/2015 - 1/31/2016

**This Increase Requested:** N/A

**Potential Fiscal Impact:** None

**Accounts:** 031-260

**Contract Number(s):** 13-88-033A

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This second of three (3), one (1) year renewal options will allow Allied Appraisal Company to continue to provide real estate appraisal services, on an as-needed basis, for projects undertaken by the Cook County Real Estate Division which require qualified and licensed real estate appraisal professionals. The Department of Real Estate Management provides oversight of appraisal services provided by Allied Appraisal Company



This is a Comparable Government Procurement pursuant to Section 34-140 of the Cook County Procurement Code. Allied Appraisal Company was previously awarded a contract by the City of Chicago through a Request for Qualifications (RFQ) process.

## 16-2198

**Presented by:** ELAINE LOCKWOOD BEAN, Chief, Bureau of Asset Management  
JESSICA CAFFREY, Director, Real Estate Management Division

### PROPOSED AGREEMENT

**Department(s):** Real Estate Management

**Other Part(ies):** Civic Health Development Group (“CHDG”), CHDG is a joint venture development team of MB Real Estate Services, Inc., Walsh Investors, LLC, Plenary Group USA Ltd and Granite Companies LLC, Chicago, Illinois.

**Request:** Authorization for the Director of Real Estate Management to enter into a redevelopment agreement and associated ground leases on behalf of the County of Cook with the Civic Health Development Group (“CHDG”).

**Good(s) or Service(s):** CHDG will serve as the County’s market rate development team of the Old Cook County Hospital site and adjoining real estate within the Cook County Hospital campus which is also known as the Hospital Campus Redevelopment

**Agreement period:** Ninety-nine year ground lease, with (2) twenty-five year

**Fiscal Impact:** Revenue Generating

**Accounts:** N/A

**Agreement Number(s):** N/A

**Summary/Notes:** CHDG was selected following the issuance of a Request for Proposal (“RFP”) by the Cook County Bureau of Asset Management Department of Real Estate in January of 2015. The RFP solicited a master developer for the redevelopment of the Old Cook County Hospital site and adjoining real estate, which includes the Hektoen and Durand buildings in Chicago, Illinois. The redevelopment will be implemented by utilizing market rate ground leases. The Redevelopment Agreement (“RDA”), will provide the County with a plan for efficient use of the County’s real estate assets and long range improvements for these identified real estate assets. The RDA will enable the preservation and reuse of the historic Old Cook County Hospital building. Upon completion, the project is also expected to enhance the hospital campus with new residential units, hotel rooms and additional commercial space. The project buildings associated with the RDA will have a sustainability goal of LEED Silver. Upon Board approval, the Director of Real Estate Management shall be authorized to (a) execute the redevelopment agreement and the associated market rate ground leases with CHDG on behalf of the County of Cook in the form submitted and on terms no less favorable than those set forth therein; and (b) execute such additional documents as may be necessary to implement the foregoing. The Director of Real Estate shall be further charged to deliver any and all notices under the RDA, including but not limited to any notice to terminate

the RDA in the event unsatisfactory matters are discovered during the due diligence period.

**16-2490**

**Presented by:** JESSICA CAFFREY, Director, Real Estate Management Division

**PROPOSED AGREEMENT AMENDMENT**

**Department(s):** Department of Real Estate Management

**Other Part(ies):** Bright Horizons Children’s Centers, Watertown, Massachusetts

**Request:** Authorization to extend for five (5) years, an operational agreement

**Good(s) or Service(s):** Bright Horizons is responsible for the operation of the Cook County/City of Chicago Child Development Center, located in the George W. Dunne Office Building at 69 West Washington Street, Chicago, Illinois.

**Agreement period:** The initial Contract for Service Document (the “Operating Agreement”) was approved by the Board of Commissioners on 3/8/2001. The Board approved a five (5) year renewal on 4/5/2006. The Board approved an additional five (5) year term on 5/17/2011. The current contract expires 5/31/2016. The Extension Period will be 6/1/2016 - 5/31/2021.

**Fiscal Impact:** Revenue Generating

**Accounts:** N/A

**Agreement Number(s):** Contract No. 01-41-806

**Summary:** Bright Horizons Children’s Centers was selected to operate the center through a Request for Proposals (RFP) process in 2001. The Center opened in 2001, and since that time has provided high-quality early childhood education to approximately 112 children aged six weeks through five years. In 2012, Bright Horizons completed the lengthy process of obtaining accreditation through NAEYC (National Association for the Education of Young Children). This status is achieved by only 8 % of centers nationwide, and is indicative of a highly professional educational and caring environment. NAEYC Accreditation is granted to the operator, not the center, and would be lost if Bright Horizons ceased operating the center. Based upon Bright Horizons Children’s Center exceptional performance to date, and the best interests of the families enrolled in the Center, it is the recommendation of the Joint Oversight Committee that an extension of the contract for five (5) years be approved.

**16-2492**

**Presented by:** JESSICA CAFFREY, Director, Real Estate Management Division  
ZELDA MARTIN WHITTTLER, Undersheriff

**PROPOSED LEASE AGREEMENT**

**Department:** Department of Real Estate Management

**Request:** Approve a (New) Lease Agreement

**Landlord:** City of Chicago

**Tenant:** County of Cook, for use by Cook County Sheriff's Office, Department of Mental Health Policy and Advocacy

**Location:** 2418 W. Division Street, Chicago, Illinois

**Term/Extension Period:** Commencement upon Board Approval - 12/31/2026

**Space Occupied:** 730 Square feet

**Monthly Rent:** None

**Fiscal Impact:** \$1.00 and other value consideration

**Accounts:** N/A

**Option to Renew:** N/A

**Termination:** By either party, with a 120 day prior written notice

**Utilities Included:** Yes

**Summary/Notes:** As part of the City/County collaboration initiative, the Cook County Sheriff's Office Department of Mental Health Policy and Advocacy will utilize space on the first floor of the Building as a mental health center operated by the Cook County Department of Corrections. The goal of the center is to allow for a continuation of care for formerly incarcerated individuals with identified mental health needs following their release from the Cook County Department of Corrections. The center will target those individuals that live in close proximity to the center.

**BUREAU OF ECONOMIC DEVELOPMENT**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**16-2431**

**Sponsored by:** TONI PRECKWINKLE, President, and JEFFREY R. TOBOLSKI, County Commissioner

**PROPOSED PREVIOUSLY APPROVED ITEM AMENDMENT**

**Department:** Department of Planning and Development

**Request:** Correcting P.I.N. Numbers on a previously approved resolution

**Item Number:** 15-4074

**Fiscal Impact:** N/A

**Account(s):** N/A

**Original Text of Item: 7852 W. 47TH STREET, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS,** the Cook County Bureau of Economic Development received and reviewed a Real Property Assessment Classification 6b application containing the following information:

**Applicant:** 7852 W. 47th Street, LLC

**Address:** 7852 W. 47th Street, Lyons, Illinois

**Municipality or Unincorporated Township:** Lyons

**Cook County District:** 16

**Permanent Index Number:** 18-01-0322322-009-0000 and 18-01-0322322-010-0000

**Municipal Resolution Number:** Village of Lyons Resolution Number 05-19-15-R1

**Number of month property vacant/abandoned:** 15 months vacant

**Special circumstances justification requested:** Yes

**Estimated Number of jobs created by this project:** 10 full-time, 10 part-time

**Estimated Number of jobs retained at this location:** 13 full-time, 8 part-time

**Estimated Number of employees in Cook County:** Not applicable

**Estimated Number of construction jobs:** none

**Proposed use of property:** Manufacturing, assembling and distribution of decorated glass

**Living Wage Ordinance Compliance Affidavit Provided:** Yes

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an abandoned industrial facility; and

**WHEREAS**, the Cook County Classification System for Assessment defines abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 continuous months, have been purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances may exist that justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the municipality states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the qualifications of this property to meet the definition of abandoned with special circumstances; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the above-captioned property is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor

**16-2472**

**Sponsored by:** TONI PRECKWINKLE, President, and GREGG GOSLIN, County Commissioner

**PROPOSED RESOLUTION**

**VK 1019 NOEL, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS,** the Cook County Bureau of Economic Development received and reviewed a Real Property Assessment Classification 6b application containing the following information:

**Applicant:** VK 1019 Noel, LLC

**Address:** 1019 Noel, Wheeling, Illinois

**Municipality or Unincorporated Township:** Wheeling

**Cook County District:** 14

**Permanent Index Number:** 03-14-103-010-0000

**Municipal Resolution Number:** Village of Wheeling Resolution Number 15-133

**Number of month property vacant/abandoned:** Number of months vacant two (2)

**Special circumstances justification requested:** Yes

**Estimated Number of jobs created by this project:** not available

**Estimated Number of jobs retained at this location:** not available

**Estimated Number of employees in Cook County:** not available

**Estimated Number of construction jobs:** 25 construction workers

**Proposed use of property:** The applicant intends to lease the property to an industrial user

**Living Wage Ordinance Compliance Affidavit Provided:** Yes

**WHEREAS,** the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an abandoned industrial facility; and

**WHEREAS,** the Cook County Classification System for Assessment defines abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 continuous months, have been purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances may exist that justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the municipality states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the qualifications of this property to meet the definition of abandoned with special circumstances; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the above-captioned property is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor

**16-2483**

**Presented by:** MICHAEL JASSO, Chief, Bureau of Economic Development

**PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR)**

**Department:** Planning and Development

**Other Part(ies):** Presidio Capital, LLC, Hinsdale, Illinois

**Request:** Approval of a CDBG - DR Loan with Developer and Homebuyer Subsidies

**Total Development Cost:** \$7,000,000.00

**Project Loan Amount:** \$7,000,000.00

**Fiscal Impact:** None

**Account(s):** N/A

**Summary:** The Department of Planning and Development within the Bureau of Economic Development respectfully submits the attached Community Development Block Grant - Disaster Recovery project loan recommendation in the amount of \$7,000,000.00 to Presidio Capital, LLC. This project loan will be utilized to support CDBG -DR-eligible project costs incurred during the new construction of 29 new townhomes and single family homes in Cicero, Illinois as replacement housing for households displaced by the 2013 Flood. The area of Cicero where these homes will be built (northeast corner) is **not** in a 100 year flood plain, but is near transit and meets the new energy star ratings for new construction. The construction of these units is in keeping with Planning for Progress and the CDBG -Disaster Recovery Action Plan.

The requested CDBG -DR funds would subsidize the project via a permanent loan based upon the following terms:

**Loan Type:** Construction Loan will be provided to the Developer, and then the down payment assistance will be recorded as Second Mortgage by Cook County and remain subordinate to the permanent first mortgage to the homebuyer

**Interest Rate:** The loan will be a zero percent (0%) interest repayable of the sale of each home to a qualified homebuyer

**Loan Term:** The Project is estimated to have a “construction” phase of (12) months to complete with a detailed schedule to be set forth in final loan documents subject to the guidance and final approval of HUD.

**Lien Position:** County is the sole lender and recorded in first position during construction and then Cook County will award on a case by case needs basis a second mortgage for each homebuyer to ensure compliance with the abovementioned Affordability Period.

**Buyer Down Payment Assistance:** Qualified Buyers will receive down payment assistance based upon individual needs. Fifteen properties will be sold to Buyers with less than 80 percent of AMI and fourteen properties will be sold to Buyers with less than 120 percent of AMI.

**Affordability Period for Home Buyer:** The homebuyer will be awarded a second mortgage on the property based upon the needs of each qualified homebuyer. The second mortgage will come with an affordability period of 15 years if the subsidy is \$20,000 or less and 20 years if the subsidy is \$20,001 or more.

**Guarantee:** Presidio Capital, LLC guarantees that any home not sold by 12/31/2017 will be repaid in “balance” (outstanding balance minus any projected developer subsidy) to the County, after the complete exhaustion of the “sales plan” initiative. On 10/1/2017 any unsold units will be evaluated and determine the units prices need to be decreased or if an extension beyond 12/31/2017 is necessary to sell all units. If on 12/31/2017 units still remain unsold the County and Developer have the option to convert the units to supportive services rental housing units in conjunction with an approved non-profit agency. Finally, any reprogrammed funds will be utilized at the sole discretion of the County for projects that are eligible under the CDBG-DR regulations.

The Bureau would like to request approval for the attached recommended CDBG -DR project loan and authorization to proceed to execute on behalf of the County of Cook, any and all documents necessary to



further the aforementioned project.

The U.S. Department of Housing and Urban Development (HUD) provided the County with the CDBG -DR funds due to the flooding that occurred in April of 2013. The Cook County Board has approved The Action Plan for the CDBG - DR funds on 3/12/2014 with two Substantial Amendments on 9/10/2014 and 4/1/2015.

This project is being submitted for review by the Housing and Community Development Committee and then for Board Approval on 5/11/2016. As such, this item will require Board review and approval in the same meeting on 5/11/2016.

**16-2497**

**Sponsored by:** TONI PRECKWINKLE, President, and JOAN PATRICIA MURPHY, County Commissioner

**PROPOSED RESOLUTION**

**SEIDA PROPERTY MANAGEMENT, LLC CLASS 8 PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS,** the Cook County Bureau of Economic Development received and reviewed a Real Property Assessment Classification 8 application containing the following information:

**Applicant:** Seida Property Management, LLC

**Address:** 113 W. 159th Street, South Holland, Illinois

**Municipality or Unincorporated Township:** South Holland

**Cook County District:** 6

**Permanent Index Number:** 29-21-200-005-0000; 29-21-200-022-0000; 29-21-200-032-0000; 29-21-200-073-0000 and 29-21-200-056-0000

**Municipal Resolution Number:** Resolution Village of South Holland approved January 4, 2016

**Number of month property vacant/abandoned:** 18 months vacant

**Special circumstances justification requested:** Yes

**Estimated Number of jobs created by this project:** 30 full-time

**Estimated Number of jobs retained at this location:** none

**Estimated Number of employees in Cook County:** 220 full-time

**Estimated Number of construction jobs:** Not applicable

**Proposed use of property:** This property leased by a commercial user for auto repair and auto rental.

**Living Wage Ordinance Compliance Affidavit Provided:** Yes

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for an abandoned commercial facility; and

**WHEREAS**, the Cook County Classification System for Assessment defines abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 continuous months, have been purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances may exist that justify finding that the property is abandoned for purpose of Class 8; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 8 requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the municipality states the Class 8 is necessary for development to occur on this specific real estate. The municipal resolution cites the qualifications of this property to meet the definition of abandoned with special circumstances; and

**WHEREAS**, commercial real estate is normally assessed at 25% of its market value, qualifying commercial real estate eligible for the Class 8 can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 8 will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the above-captioned property is deemed abandoned with special circumstances under the Class 8; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

**16-2512**

**Sponsored by:** TONI PRECKWINKLE, President, and JEFFREY R. TOBOLSKI, County Commissioner

**PROPOSED RESOLUTION**

**MICHAEL B. STERN/RAINBOW LIGHTING INC. 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Bureau of Economic Development received and reviewed a Real Property Assessment Classification 6b application containing the following information:

**Applicant:** Michael B. Stern/Rainbow Lighting, Inc.

**Address:** 200-220 Fencil Lane, Hillside, Illinois 60162

**Municipality or Unincorporated Township:** Hillside

**Cook County District:** 16

**Permanent Index Number:** 15-17-304-065-0000; 15-17-304-076-0000; and 15-17-304-076-0000; 15-17-304-095-0000

**Municipal Resolution Number:** 15-10

**Number of month property vacant/abandoned:** 14

**Special circumstances justification requested:** Yes

**Estimated Number of jobs created by this project:** 2 full-time, 6 part-time

**Estimated Number of jobs retained at this location:** 11 full-time, 2 part-time

**Estimated Number of employees in Cook County:** 11 full-time, 2 part-time

**Estimated Number of construction jobs:** 30

**Proposed use of property:** Industrial-Warehousing and distribution

**Living Wage Ordinance Compliance Affidavit Provided:** Yes

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an abandoned industrial facility; and

**WHEREAS**, the Cook County Classification System for Assessment defines abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 continuous months, have been purchased for value by a purchaser in whom the seller has no direct financial interest;

and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances may exist that justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the municipality states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the qualifications of this property to meet the definition of abandoned with special circumstances; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the above-captioned property is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor

**16-2513**

**Sponsored by:** TONI PRECKWINKLE, President, and PETER N. SILVESTRI, County Commissioner

**PROPOSED RESOLUTION**

**CAPANNARI’S INC. 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Bureau of Economic Development received and reviewed a Real Property Assessment Classification 6b application containing the following information:

**Applicant:** Capannari’s Inc.

**Address:** 701 North Wheeling Road, Mount Prospect, Illinois

**Municipality or Unincorporated Township:** Mount Prospect

**Cook County District:** 9

**Permanent Index Number:** 03-35-200-071-1001

**Municipal Resolution Number:** Village of Mount Prospect Resolution Number 42-15

**Number of month property vacant/abandoned:** 21 months vacant

**Special circumstances justification requested:** Yes

**Estimated Number of jobs created by this project:** Three (3) full-time, 10 part-time

**Estimated Number of jobs retained at this location:** # full-time, # part-time

**Estimated Number of employees in Cook County:** Two (2) full-time, 35 part-time

**Estimated Number of construction jobs:** 10 construction jobs

**Proposed use of property:** This property will be used for industrial purpose light production, warehouse and distribution

**Living Wage Ordinance Compliance Affidavit Provided:** Yes

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an abandoned industrial facility; and

**WHEREAS**, the Cook County Classification System for Assessment defines abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 continuous months, have been purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances may exist that justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the municipality states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the qualifications of this property to meet the definition of abandoned with special circumstances; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property

from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the above-captioned property is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor

**BUREAU OF HUMAN RESOURCES**

**16-1293**

**Presented by:** VELISHA HADDOX, Chief, Bureau of Human Resources  
LAWRENCE WILSON, County Comptroller

**REPORT**

**Department:** Human Resources

**Request:** Receive and File

**Report Title:** Human Resources Bi-Weekly Activity Report for Pay Periods 5 and 6

**Report Period:** Pay Period 5, 2/21/2016-3/5/2016 and Pay Period 6, 3/6/2016 - 3/19/2016

**Summary:** Submitting the Human Resources Activity Report for the Pay Period listed above

**16-2508**

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED RESOLUTION**

**PROPOSED RESOLUTION APPROVING ECONOMIC PACKAGE INCLUDING WAGE INCREASES AND HEALTHCARE**

**WHEREAS**, the Illinois Public Employee Labor Relations Act (5 ILCS 315/1 et seq.) has established regulations regarding collective bargaining with a union; and

**WHEREAS**, a Collective Bargaining Agreement for the period of December 1, 2012 through November 30, 2017 has been negotiated between the County of Cook and Cook County Pharmacy Association, Chicago Joint Board, Retail, Wholesale & Department Store Union, AFL-CIO, CLC (RWDSU Local 200) representing Pharmacists and Pharmacy Technicians; and

**WHEREAS** salary adjustments and general wage increases are reflected in the Salary Schedules included in the Collective Bargaining Agreement negotiated between County of Cook and RWDSU Local 200; and

- (a) effective the first full pay period on or after June 1, 2013 the pay rates for all classifications shall be increased 1.00%
- (b) effective the first full pay period on or after June 1, 2014 the pay rates for all classifications shall be increased 1.50%
- (c) effective the first full pay period on or after June 1, 2015 the pay rates for all classifications shall be increased 2.00%
- (d) effective the first full pay period on or after December 1, 2015 the pay rates for all classifications shall be increased 2.00%
- (e) effective the first full pay period on or after December 1, 2016 the pay rates for all classifications shall be increased 2.25%
- (f) effective the first full pay period on or after June 1, 2017 the pay rates for all classifications shall be increased 2.00%

**WHEREAS**, the current healthcare plan shall be revised as follows:

Item	12/1/2015
Classic Blue	Eliminate
HMO OOP Maximum	\$1,600/\$3,200
HMO Accident/Illness	\$15
HMO Urgent Care	\$15
HMO Specialists	\$20
HMO ER	\$75
PPO Deductible	\$350/\$700
PPO OOP Maximum	\$1,600/\$3,200
PPO Accident/Illness	90% after \$25
PPO Specialist	90% after \$35
PPO ER	\$75
RX	\$10/\$25/\$40
Generic Step Therapy	Implement
Mandatory Maintenance Choice	Implement
Healthcare Contributions	Additional 1 percent of salary aggregate increase (.50 percent increase on 12/1/2015 and .50 percent increase on 12/1/2016)

**NOW, THEREFORE BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby approve the economic package including wage increases and healthcare as provided by the Bureau of Human Resources.

**BUREAU OF TECHNOLOGY**  
**CHIEF INFORMATION OFFICER**

**16-2509**

**Presented by:** SIMONA ROLLINSON, Chief Information Officer, Bureau of Technology

**PROPOSED INTERGOVERNMENTAL AGREEMENT**

**Department:** Bureau of Technology

**Other Part(ies):** The Board of Trustees of Northern Illinois University, DeKalb, Illinois

**Request:** Approval of an intergovernmental agreement

**Goods or Services:** Assistance in the development and implementation of various telecommunications and networking initiatives

**Agreement Number(s):** N/A

**Agreement Period:** 4/15/2016 - 11/30/2019

**Fiscal Impact:** Total agreement authority: \$500,000.00 - FY 2016: \$78,000.00, FY 2017: \$192,000.00, FY 2018: \$192,000.00, FY 2019: \$38,000.00

**Accounts:** 499-260

**Summary:** The Bureau of Technology (BOT) respectfully requests approval of an intergovernmental agreement with the Board of Trustees of Northern Illinois University (NIU) to provide the County with assistance in the development and implementation of mutually beneficial technology related initiatives with regional partners such as the State of Illinois, the City of Chicago, and the South Suburban Mayors and Managers Association. The County has previously received critical assistance from NIU under a prior agreement that facilitated the expansion of the County's broadband footprint and Wide Area Network.

The proposed agreement provides improved terms for the County and will allow BOT to leverage NIU expertise to explore network asset monetization under the County's Asset Marketing Program as well as draft future broadband and networking intergovernmental agreements with regional partners.

**16-2522**

**Presented by:** SIMONA ROLLINSON, Chief Information Officer, Bureau of Technology

**PROPOSED CONTRACT AMENDMENT (TECHNOLOGY)**

**Department(s):** Bureau of Technology

**Vendor:** System Solutions, Inc., Northbrook, Illinois

**Request:** Authorization for the Chief Procurement Officer to renew and increase contract



**Good(s) or Service(s):** Standard Specification Hardware (Lot A) and Hardware Maintenance (Lot C) for Various Cook County Agencies

**Current Contract Period:** 7/1/2012 - 6/30/2016

**Proposed Contract Extension Period:** 7/1/2016 - 6/30/2017 for Lot A and Lot C

**Total Current Contract Amount Authority:** \$13,189,457.10 for Lot A; \$3,054,976.56 for Lot C

**Original Approval (Board or Procurement):** 6/5/2012, \$13,189,457.10 for Lot A; \$1,424,976.56 for Lot C

**Previous Board Increase(s) or Extension(s):** 10/8/2014, \$1,630,000.00 for Lot C

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 5/6/2015, 7/1/2015 - 6/30/2016

**This Increase Requested:** \$840,000.00 for Lot C

**Potential Fiscal Impact:** FY 2016 \$840,000.00 for Lot C

**Accounts:** 499-441

**Contract Number(s):** 11-84-167A & C

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** In 2012, this Board approved contracts 11-84-167A and 11-84-167C with System Solutions, Inc. The contracts were obtained through a competitive reverse auction for three separate Lots. Lot A allows County agencies to procure specification hardware while Lot C provides as-needed maintenance and repair of Countywide computer hardware equipment.

In 2014, this Board approved an amendment to Lot C to address replacement part needs and shore up cost management mechanisms in the agreement.

The Bureau of Technology now respectfully requests Board approval of a one (1) year contract renewal; to Lot A and Lot C, and an increase to Lot C to provide necessary Countywide services. The Office of the Chief Procurement Officer is working with the Bureau of Technology to complete an ongoing Request for Proposal process.

**RECORDER OF DEEDS**

**16-2478**

**Presented by:** KAREN A. YARBROUGH, Recorder of Deeds

**PROPOSED CONTRACT AMENDMENT (TECHNOLOGY)**

**Department(s):** Recorder of Deeds

**Vendor:** Fidlar Technologies, Inc., Davenport, Iowa

**Request:** Authorization for the Chief Procurement Officer to increase and extend contract

**Good(s) or Service(s):** Property Fraud Alert Software License

**Current Contract Period:** 12/1/2014 - 11/30/2015

**Proposed Contract Extension Period:** 12/1/2015 - 11/30/2016

**Total Current Contract Amount Authority:** \$38,000.00

**Original Approval (Board or Procurement):** 5/12/2014, \$19,000.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 4/10/2015, \$19,000.00, 12/1/2014 - 11/30/2015

**This Increase Requested:** \$19,000.00

**Potential Fiscal Impact:** FY 2016 \$19,000.00

**Accounts:** 527-260

**Contract Number(s):** 1441-13347

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

The Bureau of Technology concurs

**Summary:** This increase and extension will allow Fidlar Technologies, Inc. to continue to provide the software for the Recorder of Deeds' Property Fraud Alert service. This service notifies County residents of any document(s) being recorded against their property to determine if it is fraudulent in nature. This program now protects over 40,000 County residents, with plans to increase over the coming year.

This is a Sole Source Procurement pursuant to Section 34-139 of the Cook County Procurement Code.

**OFFICE OF THE SHERIFF**  
**DEPARTMENT OF CORRECTIONS**

**16-2182**

**Presented by:** THOMAS J. DART, Sheriff of Cook County

**PROPOSED CONTRACT**

**Department(s):** Sheriff's Department of Corrections

**Vendor:** Uniforms Manufacturing, Inc., Scottsdale, Arizona

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Inmate Uniforms

**Contract Value:** \$1,217,116.95

**Contract period:** 4/20/2016 - 4/19/2019, with two (2), one (1) year renewal options

**Potential Fiscal Year Budget Impact:** FY 2016: \$405,705.65; FY 2017: \$405,705.65; and FY2018: \$405,705.65

**Accounts:** 239-320

**Contract Number(s):** 1511-15088

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** Competitive bidding procedures were followed in accordance with the Cook County Procurement Code. Bids were solicited for the purchase of uniforms for the inmates of the Department of Corrections. Uniforms Manufacturing, Inc., was the lowest, responsive and responsible bidder.

**COMMITTEE ITEMS REQUIRING BOARD ACTION**

**BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE  
MEETING OF APRIL 12, 2016**

**16-2150 PROPOSED RESOLUTION** Jolen Electric Company Class 8 Property Tax Incentive Request

**16-2205 PROPOSED RESOLUTION** Little Beans Café Class 7A Property Tax Incentive Request

**16-2290 PROPOSED ORDINANCE** Establishing The Cook County Commission on Social Innovation For Job Creation, Workforce Development, Entrepreneurship, Community Revitalization, and Industrial Development

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**LABOR COMMITTEE  
MEETING OF APRIL 12, 2016**

**16-2178 PROPOSED RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENTS** American Federation of State County and Municipal Employees Council 31 (AFSCME) representing support staff in the Office of the Public Defender (AFSCME 3696); assistant public defenders (AFSCME 3315); caseworkers, interpreters and investigative personnel in the Offices of the Public Defender, Medical Examiner and Adoption and Child Custody Advocacy (AFSCME 1767); and Cook County Assessor's staff (AFSCME 3835)

**16-2180 PROPOSED RESOLUTION APPROVING WAGE INCREASES** Chicago Newspaper Guild representing Certified Per Diem Court Interpreters II's (PDM II)

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**HUMAN RELATIONS COMMITTEE  
MEETING OF APRIL 12, 2016**

**16-2333 PROPOSED RESOLUTION** Calling upon the City of Chicago to rescind the \$0.05 Bottled Water Tax

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**TECHNOLOGY COMMITTEE  
MEETING OF APRIL 13, 2016**

**16-0899 PROPOSED CONTRACT AMENDMENT (TECHNOLOGY)** Clarity Partners, LLC, Chicago, Illinois

**WORKFORCE, HOUSING & COMMUNITY DEVELOPMENT COMMITTEE  
MEETING OF APRIL 13, 2016**

**16-1343 PROPOSED ORDINANCE** authorizing the initiation and administration of a Down Payment Assistance Program for Cook County home buyers

**RULES AND ADMINISTRATION COMMITTEE  
MEETING OF APRIL 13, 2016**

**16-2458 JOURNAL OF PROCEEDINGS COOK COUNTY CLERK** regular meeting held on Wednesday, 3/2/2016.

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**FINANCE COMMITTEE  
MEETING OF APRIL 13, 2016**

**COURT ORDERS**

**WORKERS' COMPENSATION CLAIMS**

**SUBROGATION RECOVERIES**

**SELF-INSURANCE CLAIMS**

**PROPOSED SETTLEMENTS**

**EMPLOYEES' INJURY COMPENSATION CLAIMS**

**16-1544 REVENUE REPORT** Period Ended 2/29/2016

**16-1481 REPORT** Cook County Health and Hospitals System Monthly Report

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**ZONING AND BUILDING COMMITTEE  
MEETING OF APRIL 13, 2016**

**16-2053 RECOMMENDATION OF THE ZONING BOARD OF APPEALS** SU 15-11

**15-2563 RECOMMENDATION OF THE ZONING BOARD OF APPEALS** SU 14-06 & V 14-55

**16-2109 RECOMMENDATION OF THE ZONING BOARD OF APPEALS** V 13-14

**16-2292 PROPOSED ORDINANCE AMENDMENT** Vault Toilets

**16-1664 PROPOSED ORDINANCE AMENDMENT** Creation of Crane Operators Registration Requirement

**ROADS AND BRIDGES COMMITTEE  
MEETING OF APRIL 13, 2016**

**16-1417 PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)** Capitol Cement Company, Inc., Chicago, Illinois 171st Street to 159th Street in the City of Harvey

**16-1552 PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)** Capitol Cement Company, Inc., Chicago, Illinois 151st Street; Vincennes Ave. to Second Avenue in the Village of Phoenix and City of Harvey