

## **ARTICLE I. GENERALLY**

### **Sec. 34-4. Investment of public funds.**

(a) This section shall be known and may be cited as the "Cook County Taxpayers' Interest Assurance Ordinance".

(b) All elected and appointed public officials of Cook County are directed to invest public funds in their possession or for which they are custodians in interest-bearing accounts, except where prohibited by law or for which compelling economic reasons do not justify the use of an interest-bearing account. If any public funds are not invested in an interest-bearing account, the elected or appointed public official shall certify in writing to the Chief Financial Officer and the County Auditor the reason that such funds have not been invested in an interest-bearing account. The Chief Financial Officer and the County Auditor will forward to the President of the County Board who, in turn, will forward to the Chairman of the Audit Committee the correspondence received from the elected or appointed officials indicating why public funds have not been invested in an interest-bearing account. On an annual basis, the Chief Financial Officer shall report to the Audit Committee a listing of all depository accounts including the department number, department name, name of account, depository institution, account number, account balance, average daily balance, authorized signers, interest rate and any explanation or certification for any noninterest-bearing accounts.

(c) The County Auditor shall report to the County Board as part of an annual audit of the accounts of each elected and appointed public official:

(1) The nature and amount of all funds for which such certifications have been received from elected or appointed public officials;

(2) The rates of return received by elected and appointed public officials on invested funds; and

(3) The average daily balance in the interest-bearing account in order to provide a benchmark against which to evaluate the rate of return the elected and appointed officials are earning on the funds.

(d) Any public funds in the possession or custody of an elected or appointed public official may be invested in any financial institution approved from time to time by the County Board as a depository of public funds. The minimum requirements for any financial institution to be an approved depository for County funds shall include:

(1) Minimum capital requirement of \$10,000,000.00;

(2) The institution must have been in operation for at least five years;

(3) Located in Cook County, and

(4) Meet regulatory requirement of the Community Reinvestment Act and not engage in predatory lending practices.

No elected or appointed public official shall open any new account in an approved depository without reporting the opening of such account to the County Auditor and the Chief Financial Officer of the County within seven days of the opening of such account.

(e) Any elected or appointed public official who invests any public funds in any approved depository which are in excess of the insured limits of such depository shall require that such depository provide at least 102 percent collateral or provide a surety bond in an amount of 102 percent on any funds in excess of the insured limit of such depository, except as provided in Subsection (f) of this section.

(f) The Cook County Treasurer is authorized to make use of the Illinois Public Treasurer's Investment Pool (IPTIP), pursuant to 30 ILCS 235/2(e) (1992), on a limited basis facilitate wire transfer of funds due and owing to Cook County payable by the State of Illinois. Such funds, as they become due to Cook County, may be invested by the Cook County Treasurer in the IPTIP for a period of time not to exceed ten calendar days. The collateral requirement on County funds invested by the County Treasurer in the IPTIP shall not be less than 102 percent.

Whenever a public agency deposits any public funds in a financial institution, the public agency shall enter into an agreement with the financial institution requiring any funds not insured by the Federal Depository Insurance Corporation to be collateralized by securities, a letter of credit or mortgage backed securities in an amount equal to at least 102 percent of the market value of that amount of funds deposited exceeding the insurance limitation provided by the Federal Depository Insurance Corporation. The letter of credit must be issued by a financial institution that is rated "A" or better by at least two of the following rating agencies: Fitch, Moody's and Standard & Poor's. Mortgage backed securities used as collateral must be guaranteed by the Federal Home Loan Bank system, the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(g) Except as provided in Subsection (f) of this section, Cook County funds placed in the IPTIP shall be invested in the same manner, in the same types of investments and subject to the same limitations provided for the investment of funds in the State Treasury.

(h) The Cook County Treasurer, the Chief Financial Officer of Cook County and the County Comptroller are authorized to execute on behalf of Cook County, an "Application and Agreement to Participate in the Illinois Public Treasurer's Investment Pool", the terms of which shall not be inconsistent with this section.

(i) As used in this section, the term "public funds" shall mean current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to or in the custody of any elected or appointed public official. The County Board may supersede the provisions of this section should the authorizing ordinance specify the permitted investments and with respect to similar funds held in a fiduciary capacity pursuant to statute or specific ordinance.

(Ord. No. 91-O-13, §§ 1--6, 3-5-1991; Ord. No. 93-O-45, §§ 1--9, 11-16-1993; Ord. No. 06-O-05, §§ 1--9, 1-18-2006.)