



BOARD OF COMMISSIONERS OF COOK COUNTY
Cook County Building, Board Room, 118 North Clark Street, Chicago, Illinois

Second New Items Agenda

for the

Meeting of the Board of Commissioners

Wednesday, April 29, 2015, 11:00 AM

15-3085

Sponsored by: TONI PRECKWINKLE, President, JOHN P. DALEY, JESÚS G. GARCÍA, TIMOTHY O. SCHNEIDER, LARRY SUFFREDIN and ROBERT STEELE, County Commissioners

PROPOSED ORDINANCE AMENDMENT

AMENDING THE COOK COUNTY ETHICS ORDINANCE TO CLARIFY THE COOK COUNTY BOARD OF ETHICS'S EXISTING POWERS TO IMPOSE FINES FOR ORDINANCE VIOLATIONS AND TO SUE TO ENFORCE ITS DETERMINATIONS

WHEREAS, the County of Cook is a Home Rule Unit of Government pursuant to the 1970 Illinois Constitution, Article VII, Section 6; and,

WHEREAS, pursuant to its home rule power, the County of Cook may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, in 1993, this Board of Commissioners exercised that home rule power to enact the Cook County Ethics Ordinance ("Ethics Ordinance"), which is, by its own terms, applicable to the conduct of all County officials, appointees and employees; and,

WHEREAS, this Board of Commissioners further exercised that home rule power to create the Cook County Board of Ethics ("Board of Ethics") to enforce the Cook County Ethics Ordinance; and,

WHEREAS, from time to time, this Board of Commissioners has amended the Ethics Ordinance; specifically, in one of the 2004 amendments, the Board of Commissioners changed the manner in which fines for violation are imposed, by eliminating the need to go to court to obtain a conviction, and instead vesting in the Board of Ethics the power to make findings of violations and impose fines; and

WHEREAS, the Ethics Ordinance currently grants the Board of Ethics the power to issue fines against County officials, appointees and employees for violations of the Cook County Ethics Ordinance and sue in its own name to enforce its determinations; and,

WHEREAS, the power of the Cook County Board of Ethics to enforce the Cook County Ethics Ordinance and pursue litigation in its own name has been called into question; and

WHEREAS, this amendment is intended solely to clarify, rather than change, existing law;

NOW THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article VII - Ethics, Division 2 - Code of Ethical Conduct, Subdivisions IV and V, Sections 2-591 and 2-602 of the Cook County Code is hereby amended as follows:

SUBDIVISION IV. - Board of Ethics

Sec. 2-591. - Composition and Powers.

The organization and administration of the Cook County Board of Ethics shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Board of Ethics. The composition and powers of the Board of Ethics are as follows:

- (1) The Board of Ethics shall be composed of five members appointed by the President of the County Board with the advice and consent of the County Board and will take into account the diversity of communities and conditions protected by this article. The Board of Ethics shall have an executive director who shall be appointed by the President.
- (2) Each member of the Board shall:
 - a. Reside within the corporate boundaries of the County;
 - b. Not be an employee of the County or any agency thereof;
 - c. Not hold elected public or political party office within the County;
 - d. Have no financial interest in any work or business of or official action by the County;
 - e. Not take an active part in managing the political campaign of a candidate for County office;
 - f. Not be convicted of any felony or any crime involving moral turpitude;
 - g. Not be engaged in activities that require registration under the Cook County Lobbyist Registration Ordinance; and
 - h. Not be related, either by blood or by marriage up to the degree of first cousin, to any elected official of the County.
- (2) The members of the Board shall be appointed for terms of four years and hold office until their successors have been appointed. The initial appointment of the members shall be as follows: one member for four years; two members for three years; and two members for two years.
- (3) Any member of the Board may be removed by the President, with the advice and consent of the Board of Commissioners, for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating the grounds for removal.
- (5) Board members shall receive no compensation for their services.
- (6) The Board shall conduct hearings, if necessary, and rule upon matters brought before it by the executive director. The executive director shall receive and initiate complaints of violations of the Ordinance. The executive director shall conduct investigations and shall present the findings of such investigations for such action as the Board determines is appropriate. The Board's authority to investigate an alleged violation of this article is limited to violations

- which occurred not more than two years prior to the date upon which a complaint is received or discovery of the fact that an alleged violation has occurred.
- (7) The executive director shall investigate alleged violations of this article. County agencies, employees and officials shall cooperate with the Board and the executive director. Information necessary to any investigation shall be made available to the Executive Director upon written request.
 - (8) The Board shall have the authority to issue a subpoena for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings. A subpoena shall be served in the same manner as subpoenas issued under the rules of the Illinois Supreme Court and shall be subject to the same witness and mileage fees fixed by law for such subpoenas. The Board shall adopt rules as necessary to implement this process.
 - (9) Upon determination by a majority of the Board that there is reason to believe that a violation of this article has occurred, the Board may
 - a. Notify the person who may have violated this article and request corrective action;
 - b. Impose sanctions for violations as set out in Section 2-602 and sue in its own name to enforce its determinations;
 - bc. Recommend to the President or the appropriate elected official that disciplinary or other action within the elected official's authority should be taken in relation to the potential violation; and
 - ed. Recommend to the President or the appropriate elected official such other remedies as shall be appropriate.

All recommendations shall be in writing and shall be set forth with specificity including a statement of reasons in support. An elected official to whom a recommendation has been sent shall, within 30 days of receipt of the recommendation, report to the Board in writing the actions taken on the recommendation and, to the extent that any recommended action is declined or different action is taken, provide a statement of reasons for that decision.

- (10) The Board may also advise, by means of written advisory opinions, and may consult with the County Board of Commissioners, President, County agencies, officials and employees on matters involving this article.
- (11) The Board may also from time to time recommend to the President or the Board of Commissioners such legislative action as it deems appropriate to effectuate the policy of this article.
- (12) The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this article.
- (13) The Board shall prepare and publish an annual report summarizing the Board's activities

and present the report to the President and the Board of Commissioners.

- (14) The Board shall preserve all pertinent records and reports for a period of not less than ten years.

SUBDIVISION V. - Sanctions for Violation

Sec. 2-602. - Fines.

(a) As authorized by the State Officials and Employees Ethics Act, the Board may impose a fine of up to \$5,000.00 per violation against any person found by the Board to have violated, intentionally obstructed or interfered with an investigation of, or intentionally made a false, frivolous or bad faith allegation under Section 2-574 or 2-583.

(b) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-574 is guilty of a business offense and subject upon conviction to a fine of at least \$1,001.00 and up to \$5,000.00.

(c) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-583 is guilty of a Class A misdemeanor.

~~(d) The Board may impose a fine of up to \$1,000.00 per offense on any person, including officials or candidates, found by the Board to have knowingly violated any provision of this article other than Section 2-574 or 2-583, or to have knowingly furnished false or misleading information to the Board, shall be subject to a fine of at least \$500.00 and up to \$5,000.00, for any one offense.~~

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

15-3088

Sponsored by: BRIDGET GAINER, County Commissioner, and TONI PRECKWINKLE, President

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY HUMAN RIGHTS ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 42 -HUMAN RELATIONS, ARTICLE II - HUMAN RIGHTS of the Cook County Code is hereby amended as Follows:

Sec. 42-30. - Short title.

This article shall be known and may be cited as the Cook County Human Rights Ordinance.

Sec. 42-31. - 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: *Age* means chronological age of not less than 40 years.

Credit history means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.

Credit report means any written or other communication of any information by a consumer reporting agency that bears on a consumer's credit worthiness, credit standing, credit capacity, or credit history.

Credit transaction means the grant, denial, extension or termination of credit to an individual.

Disability means:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment. Excluded from this definition is an impairment relating to the illegal use, possession or distribution of "controlled substances" as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. § 812).

Employee means:

- (1) Any individual whether paid or unpaid, engaged in employment for an employer; or
- (2) An applicant for employment.

Employer means:

- (1) Any person employing one or more employees, or seeking to employ one or more employees
 - a. If the person has its principal place of business within Cook County; or
 - b. Does business within Cook County.
- (2) The term "employer" does not mean:
 - a. The government of the United States or a corporation wholly owned by the government of the United States;
 - b. An Indian tribe or a corporation wholly owned by an Indian tribe;
 - c. The government of the State or any agency or department thereof; or
 - d. The government of any municipality in Cook County.

Employment means the performance of services for an employer:

- (1) For remuneration;
- (2) As a volunteer; or
- (3) As a participant in a training or apprenticeship program.

Employment agency means a person that undertakes to procure employees or opportunities to work for potential employees, through interviews, referrals, or advertising, or any combination thereof.

Gender identity means the actual or perceived appearance, expression, identity, or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

Housing status means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

Labor organization includes any organization, labor union, or craft union, or any voluntary incorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with an employer concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

Marital status means the status of being single, married, divorced, separated, or widowed.

Military discharge status means the fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a "dishonorable discharge."

National origin means the place in which an individual or one of such individual's ancestors was born.

Parental status means the status of living with one or more dependent minors or disabled children.

Person means one or more individuals; partnerships, associations, or organizations; labor organizations, labor unions, joint apprenticeship committees, or union labor associations; corporations; recipients of County funds; legal representatives, trusts, trustees in bankruptcy, or receivers; state governments other than that of Illinois; or commercial operations or entities controlled by governments other than those of Illinois, or of the United States.

Public accommodation means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in Cook County, regardless of ownership or operation:

- (1) By a public body or agency;
- (2) For or without regard to profit; or
- (3) For a fee or not for a fee.

The term "public accommodation" also means an institution, club, association, or other place of accommodation in Cook County, whether or not open to the general public, that has more than 400 members and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities, or services from or on behalf of nonmembers for the furtherance of trade or business. "Public accommodation" also means any products, facilities, or services of a nonpublic accommodation that are made available in Cook County to the general public or to the customers or patrons of another establishment that is a public accommodation.

Religion means all aspects of religious observance and practice, as well as belief, or the actual

identification with or perceived identification with a religion.

Sexual orientation means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

Source of income means the lawful manner by which an individual supports himself or herself and his or her dependents.

Unlawful discrimination means discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

Sec. 42-35. - Employment.

(a) *Coverage.* The prohibitions against unlawful discrimination contained in this section apply as follows:

- (1) To employment that is or would be in whole or in part in the County; or
- (2) When the act of unlawful employment discrimination as described in this section takes place in the County.

(b) *Prohibitions.*

- (1) *Employment.* No employer shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination.
- (2) *Employment agency.* No employment agency shall directly or indirectly discriminate against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination. No employment agency shall publish or cause to be published, in print or on the internet, an advertisement for, or other posting of, any job opportunity which states any other preference, limitation, or discrimination prohibited by this ordinance.
- (3) *Labor organizations.* No labor organization shall limit, segregate, or classify its membership, or limit employment opportunities, selection, and training for apprenticeship in any trade or craft, or otherwise take, or fail to take, any action which affects adversely any individual's status as an employee, or as an apprentice, or as an applicant for apprenticeships, or wages,

tenure, hours of employment, or apprenticeship conditions, on the basis of unlawful discrimination.

(c) *Exceptions.* The prohibitions contained in section 42-35(b) shall not apply to any of the following:

- (1) *BFOQ.* Hiring or selecting between individuals for bona fide occupational qualifications.
- (2) *Military discharge status.* Use of an individual's unfavorable discharge from military service as a valid employment criterion where:
 - a. Authorized by Federal law or regulation;
 - b. Where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the unfavorable discharge relate to the individual's fiduciary capacity; or
 - c. Where the reasons for the unfavorable discharge specifically relate to criteria which constitute a bona fide occupational qualification for a particular job.
- (3) *Veterans.* Giving preferential treatment to veterans and their relatives as required by Federal or State law or regulation.
- (4) *Religion.* Giving preference in employment by a religious corporation, association, educational institution, or society to individuals of a particular religion to help carry out the religious activities of such corporation, association, educational institution or society.

(d) *Religious accommodation.*

- (1) No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances, and practices of employees or prospective employees unless the employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.
- (2) Reasonable efforts to accommodate include, but are not limited to, allowing an employee:
 - a. To take a day of paid leave or vacation, where applicable under the employee's employment agreement;
 - b. To be excused from work without pay and without discipline or other penalty; or
 - c. To elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational needs of the employer's business. Any employee who elects such deferred work shall be

compensated at the employee's regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise this option provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

(e) *Sexual harassment.*

- (1) No employer, employee, agent of an employer, employment agency, or labor organization (hereinafter referred to collectively in this section as "employer") shall engage in sexual harassment.
- (2) When used in this subsection, the term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:
 - a. Submission to such conduct is an explicit or implicit term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

An employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. An employer is responsible for acts of sexual harassment between co-employees in the workplace where the employer (or its agents or supervisory employees) knew or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

(f) *National origin.* No employer may discriminate based on national origin under the guise of discrimination based on an individual's foreign education or training. Nothing in this article shall be construed to conflict with Federal or State licensing or certification requirements.

(g) *Credit History.*

- (1) Except as otherwise provided in section 42-35(g), no employer, agent of an employer or employment agency shall do any of the following:
 - a. Fire or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, classification, grading, discipline,

selection for training and apprenticeship, compensation, or other term, condition, or privilege of employment because of the individual's credit history or credit report.

- b. Inquire about an employee's credit history.
- c. Order or obtain an employee's credit report from a consumer reporting agency.

(2) The prohibitions contained in section 42-35(g)(1) shall not prevent an inquiry or employment action if a satisfactory credit history is an established bona fide occupational requirement of a particular position or a particular group of employees. A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:

- a. State or federal law requires bonding or other security covering an individual holding the position.
- b. The duties of the position include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. For the purpose of this exception (b), "marketable assets" means company property that is specifically safeguarded from the public and to which access is only entrusted to managers and other select employees. "Marketable assets" do not include the fixtures, furnishings, or equipment of an employer.
- c. The duties of the position include signatory power over business assets of \$100 or more per transaction.
- d. The position is a managerial position which involves setting the direction or control of the business.
- e. The position involves access to personal or confidential information, financial information, trade secrets, or state or national security information. For the purposes of this exception, the following definitions apply:
 - i. Personal or confidential information means sensitive information that an employee, customer, client, or service recipient gives explicit authorization for another person to obtain, process, and keep; that an organization entrusts only to managers and a select few employees; or that is stored in secure repositories not accessible by the public or non-designated employees.
 - ii. Financial information means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or financial reports.

- iii. Trade secrets mean sensitive information regarding a company's overall strategy or business plans. This does not include general proprietary information such as handbooks, policies or general business strategies.
 - iv. State or national security information means information only offered to select employees because it may jeopardize the security of the state or the nation if it were entrusted to the general public.
- f. The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a satisfactory credit history is a bone fide occupational requirement.
 - g. The employee's credit history is otherwise required by or exempt under other applicable law.
- (3) The prohibitions contained in section 42-35(g)(1) shall not apply to any of the following:
- a. Any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, which is authorized to do business under the laws of Illinois or of the United States.
 - b. Any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business.
 - c. Any municipal law enforcement, investigative unit or municipal agency which requires use of the employee's credit history or credit report including without limitation the Chief Judge, the Cook County Independent Inspector General, the Cook County Auditor, the Cook County Sheriff and the Cook County State's Attorney.
 - d. Any entity that is defined as a debt collector under federal or state statute or county ordinance.
- (4) Nothing in section 42-35(g) shall prohibit employers from conducting a thorough background investigation, which may include obtaining a report without information on credit history or an investigative report without information on credit history, or both, as permitted under the Fair Credit Reporting Act.

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

15-3120

Sponsored by: LARRY SUFFREDIN, County Commissioner

PROPOSED ORDINANCE AMENDMENT

AMENDMENTS TO THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY'S FEES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Part 1 - General Ordinances, Chapter 18 - Courts, Article II - Fees and Service Charges, Sections 18-32 through 18-38 and 18-41 are hereby amended as follows:

Sec. 18-32. - Court security services fee.

(a) *Short title.* This section shall be known and may be cited as the Cook County Court Services Fee Ordinance.

(b) *Title.* The fee herein imposed is in addition to all other fees or taxes imposed by the County, the State or any municipal corporation or political subdivision thereof.

(c) *Fees imposed.* A court services fee as set out in Section 32-1 ~~shall~~ may be:

- (1) Paid in civil cases by each party at the time of filing the first pleading, paper or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance.
- (2) Assessed by the Circuit Court of the County in criminal, local ordinance, County ordinance, traffic, criminal domestic violence, and conservation cases against the defendant upon entering a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment pursuant to 720 ILCS 550/10 (Cannabis Control Act - penalties for first offenders); 720 ILCS 570/410 (Controlled Substance Act - penalties for first offenders); 720 ILCS 646/70 (Methamphetamine Control and Community Protection Act - penalties for first offenders); 720 ILCS 5/12-4.3 (aggravated battery of a child); 20 ILCS 301/40-10 (Alcoholism and Other Drug Abuse and Dependency Act); or Section 10 of the Steroid Control Act, former Illinois Revised Statutes, ch. 56-1/2, par. 2310 (repealed). No court services fees shall be imposed or collected, however, in traffic, conservation, and ordinance cases in which fines are paid without a court appearance.

(d) *Collection.* The fees shall be collected in the manner in which all other court fees or costs are

collected by the Clerk of the Circuit Court and shall be deposited into the County general fund for payment solely of costs incurred by the Sheriff in providing court security or for any other court services deemed necessary by the Sheriff to provide for court security.

Sec. 18-33. - Court automation fee imposed.

(a) *Definitions.* Except where the context otherwise requires, the terms, words and/or phrases used in this section shall be ascribed the same meaning as those terms defined or used by 705 ILCS 105/27.3a, et seq. (fees for automated record keeping).

(b) *Imposed.*

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq. (fees for automated record keeping), a court automation fee is hereby imposed in the County. The ~~Clerk of the Circuit Court of the County shall~~ may charge and collect ~~assess~~ a court automation fee as set out in Section 32-1 from each party in all civil cases and by the defendant in any felony, traffic misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the County Board.

(2) Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party. No additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance.

(c) *Collection and enforcement.*

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq., such court automation fee shall be ~~charged and~~ collected by the Clerk of the Circuit Court. Such fee shall be collected in the manner in which all other fees or costs are collected.

(2) This fee shall be in addition to all other fees and charges of such clerk, and assessable as costs, and shall be remitted monthly by such clerk to the County Treasurer, to be retained in a special fund designated as the court automation fund. The fund shall be audited by the County Auditor, and the Board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the Clerk of the Circuit Court and by the Chief Judge of the Circuit Court or designate.

(3) This fee shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body. The Clerk of the Circuit Court shall not collect the fees herein authorized from any official, department or agency of County Government where the services provided by the Clerk of the Circuit Court are for official purposes. Any County official, department or agency requesting services from the Clerk of the Circuit Court pursuant to this provision shall be required to indicate that the request is made for

"Official Purposes". The Clerk of the Circuit Court shall establish and keep a record of the fee exempt services rendered to each County official, department or agency.

Such records shall be available on request, to the Chief Financial Officer of the County.

Sec. 18-34. - Court Clerk document storage fee.

(a)*Generally.* In accordance with the provisions set forth in 705 ILCS 105/27.3c et seq. (document storage system), a document storage fee is hereby imposed in the County. The Clerk of the Circuit Court of the County ~~shall~~ may charge assess and collect a document storage fee as set out in Section 32-1 from each party in all civil cases and by the defendant in any felony, traffic misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the County Board. Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party. No additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance.

(b)*Definitions.* Except where the context otherwise requires, the terms, words and/or phrases used in this section shall be ascribed the same meaning as those terms defined or used by 705 ILCS 105/27.3c et seq. (document storage system).

(c)*Collection and enforcement.* In accordance with the provisions set forth in 705 ILCS 105/27.3c et seq. (document storage system), such document storage fee shall be ~~charged and~~ collected by the Clerk of the Circuit Court. Such fee shall be collected in the manner in which all other fees or costs are collected. (This fee shall be in addition to all other fees and charges of such clerk, and assessable as costs, and shall be remitted monthly by such clerk to the County Treasurer to be retained in a special fund designated as the "Document Storage Fund." The fund shall be audited by the County Auditor and the Board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the Clerk of the Circuit Court. This fee shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body. The Clerk of the Circuit Court shall not collect the fees herein authorized from any official, department or agency of County Government where the services provided by the Clerk of the Circuit Court are for official purposes. Any County official, department or agency requesting services from the Clerk of the Circuit Court pursuant to this provision shall be required to indicate that the request is made for

"Official Purposes." The Clerk of the Circuit Court shall establish and keep a record of the fee exempt services rendered to each County official, department or agency. Such records shall be available on request, to the Chief Financial Officer of the County.

Sec. 18-35. - Court system.

A court system fee as set out in Section 32-1 ~~shall~~ may be:

(a) Assessed against the defendant by the Circuit Court of the County and added to all fines imposed for traffic violation of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.), other than 625 ILCS 5/11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof), or violations of similar provisions contained in County or municipal ordinances committed in the County, and a fee as set out in Section 32-1 to be added to all fines imposed for violation of 625 ILCS 5/11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof), or a violation of a similar provision contained in County or municipal ordinances committed in the County. The proceeds of such fees shall be used to finance the court system of the County.

(b) Assessed by the Circuit Court of the County against the defendant on a judgment of guilty or a grant of supervision under 730 ILCS 5/5-9-1 (Unified Code of Corrections) for a felony, Class A misdemeanor, Class B misdemeanor, Class C misdemeanor, petty offense, and for a business offense. The proceeds of such fees shall be used to finance the court system of the County.

(c) Assessed by the Circuit Court of the County against the defendant and added to all fines imposed for the second or subsequent violations of 625 ILCS 5/11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof), or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the County general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d) The fee shall be in addition to all other fines and charges assessed by the Circuit Court of the County and shall be remitted by the clerk of the Circuit Court of the County to the County Treasurer for deposit.

Sec. 18-36. - Fee to finance Mental Health Court.

The ~~Clerk of the~~ Circuit Court of the County ~~is authorized to~~ may collect assess a \$10.00 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections. Such fee is to be collected by the Clerk of the Circuit Court of the County and placed in the county general fund ~~and to be~~ used to finance the County Mental Health Court.

Sec. 18-37. - Fee to finance Peer or Teen Court.

(a) The ~~Clerk of the~~ Circuit Court of the County ~~shall~~ may collect assess a mandatory fee as set out in Section 32-1 to be assessed as provided in this section. Assessments shall be collected by the Clerk of the Circuit Court of the County pursuant to this section and must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The Clerk of the Circuit Court of Cook County shall collect such fees and must remit the fees to the Teen Court, Peer Court, Peer Jury, Youth Court, or other youth diversion program monthly, less five percent, which is to be retained as fee income to the Office of the Clerk of the Circuit Court of the County.

(b)The fees are to be paid as follows: A fee as set out in Section 32-1 to be paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B or Class C misdemeanor; for a petty offense; and for a business offense.

Sec. 18-38. - Drug court fee.

~~Beginning on December 1, 2006, The Clerk of the Circuit Court of Cook County shall~~ may assess ~~collect a mandatory fee of \$5.00 to be assessed as provided in this section. Assessments shall be collected~~ by the Clerk of the Circuit Court of Cook County pursuant to this section and must be deposited into an account specifically for the operation and administration of the Drug Court. The Clerk of the Circuit Court of Cook County shall collect such fees and must remit the fees to the Drug Court, less five percent, which is to be retained as fee income to the Office of the Clerk of the Circuit Court of Cook County. The fees are to be paid as follows:

- (1)A fee of \$5.00 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in County or municipal ordinances committed in the County; or
- (2)A fee of \$5.00 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B or Class C misdemeanor; for a petty offense; and for a business offense.
- (3)The Clerk of the Circuit Court shall deposit the five percent retained under this section into the Circuit Court Clerk Operation and Administration Fund to be used to defray the costs of collection and disbursement of the drug court fee.

Sec. 18-41. - Children's Advocacy Center fee.

~~Beginning on January 1, 2008, The Circuit Court may order a fee of \$30.00 to be assessed as provided in this section. The Clerk of the Circuit Court of Cook County shall collect mandatory fee of \$30.00 to be assessed as provided in this section.~~ Assessments shall be collected by the Clerk of the Circuit Court and must be deposited into an account specifically for the operation and administration of Children's Advocacy Centers within Cook County. The fee is to be paid as follows:

- (1)The fee shall be paid by the defendant in criminal cases on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections (730 ILCS 5) for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense, but excluding any minor traffic violations under such section.

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

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