



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

Third New Items Agenda

Meeting of the Board of Commissioners

Wednesday, May 21, 2014, 11:00 AM

Sponsored by: TIMOTHY O. SCHNEIDER and LARRY SUFFREDIN, County Commissioners

PROPOSED ORDINANCE AMENDMENT

**AN AMENDMENT TO THE COOK COUNTY LOBBYIST REGISTRATION
ORDINANCE**

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Part I. General Ordinances, Chapter 2. Administration, Article VI. Ethics, Division 3. Lobbyists, Sections 2-622, 2-632, 2-634, 2-637 and 2-640 are hereby amended as follows:

Sec. 2-622. 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:

Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of Review, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, and Treasurer of the County, and any County agency or member thereof.

Direct affiliation means relationship with any natural person or spouse, father, mother, son or daughter possessing or owning an interest in a Lobbying Enterprise.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

File, filed, or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or
- (2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

Lobbyist means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including, but not limited to:

- (1) A bond inducement ordinance;
- (2) A zoning matter;
- (3) A concession agreement;

- (4)The creation of a tax increment financing district;
- (5)The establishment of a Class 6(b) Cook County property tax classification;
- (6)The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Cook County Board of Commissioners;
- (7)The preparation of contract specifications;
- (8)The solicitation, award or administration of a contract;
- (9)The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (10)Any other determination made by an elected or appointed county official or employee of the county with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a county permit or license or by responding to a county request for proposals or qualifications.

The term "lobbyist" shall include, but not be limited to, any Attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an Attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing, unless said Attorney is also an elected official of the county; and provided further that the term "lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

Lobbying Enterprise means any entity that hires, retains, employs, or compensates a natural person to lobby local, state or federal governments or agencies.

Lobbying Activity Report means a log maintained by each Lobbyist and submitted to the Cook County Clerk that records all contacts by a Lobbyist with any County Official or County employee.

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

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

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Sec. 2-632. Persons not required to register.

This division is not intended and shall not be construed to apply to the following:

- (1) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other bona fide news medium which in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements for the purpose of influencing any County matter. This exemption shall not be applicable to such an individual insofar as they receive additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing any County matter. This exemption does not apply to newspapers and periodicals owned by or published by trade associations and profit corporations engaged primarily in endeavors other than the dissemination of news.
- (2) Persons providing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation where such professional services are not otherwise, directly or indirectly, connected with legislative action.
- (3) Elected officials and employees of other units of government acting in their official capacity.
- (4) Persons who, by reason of their special skills or knowledge of any matter pending before the Board, are requested in writing by a Commissioner or the President to discuss such matter before the Board, regardless of whether or not such persons receive compensation for so appearing. This exemption shall only be applicable to the extent that such persons appear in the foregoing capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.
- (5) Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.
- (6) Persons seeking to do business with Cook County, who are not Lobbyists as defined in Section 2-622, whose ~~lobbying activities~~ contacts with County employees are limited to occasional sales-related inquiries or solicitations, the submission of bids, or responses to requests for proposals or requests for qualifications, and who make no expenditures which would otherwise be reportable under Section 2-634
- (7) Persons representing clients before County agencies which conduct adversarial, assessment or quasi-judicial hearings and the decisions of which may ultimately be appealed to the Circuit Court of Cook County or the Board, representing clients in court proceedings and in anticipation of court proceedings, and representing clients at internal disciplinary hearings. This exemption shall only be applicable to the extent that such persons appear in the foregoing capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(8) Persons who are negotiating the terms of a collective bargaining agreement or other contract. This exemption shall only be applicable to the extent of such activity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(9) Persons lobbying on behalf of a neighborhood, community or civic organization who receive no compensation and who make no expenditures to or for the benefit of a County official or County employee in connection with such lobbying. This exemption shall only be applicable to the extent that such persons appear in the foregoing capacity. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(10) County officials and County employees acting in their official capacity.

(11) Persons providing recommendations for other persons seeking employment with the County. This exemption shall only be applicable to the extent that such persons are involved in such activities. To the extent that such persons also engage in activities with respect to which this division otherwise requires them to register, they shall so register with respect to those activities.

(12) Persons who are owners, directors, officers or full-time employees of a business, which person's lobbying activities are limited to fewer than two County matters per calendar year which would otherwise require registration under Section 2-631 and who make no expenditures which would otherwise be reportable under Section 2-634

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Sec. 2-634. Reports.

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

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

the reporting periods herein described, the registrant shall file and state herein that the registrant had no such expenditures.

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

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

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

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

(1) The name, business and permanent address and nature of business of the client and any other business entities on whose behalf lobbying was performed for the same compensation.

(2) A statement of the amount of compensation.

(3) The name of each person lobbied and a brief description of the County matter involved.

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

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

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Sec. 2-637. Enforcement.

(a) Any person found by a court to be guilty of filing a late registration or report after January 31 (in the case of reports due after by January 20) or after July 31 (in the case of reports due by July 20) shall be assessed a fine of \$100.00 per day late.

(b) In addition to the penalties provided for in Subsection (a) of this section, any person convicted of any violation of any ~~provision~~ subsection of this division shall be fined \$250.00 per occurrence by the Cook County Clerk and is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any lobbying activities. The Cook County Clerk shall create procedures for the imposition and collection of any fines.

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Sec. 2-640. Annual Ethics Training.

Each Lobbyist shall attend an ethics education seminar offered on a regular basis by the Cook County Clerk within 120 days of registering as a Lobbyist pursuant to Section 2-633. The seminar shall educate persons as to their duties and responsibilities under this article.

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