



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

Third New Items Agenda

for the

Meeting of the Board of Commissioners

Wednesday, July 1, 2015, 11:00 AM

15-4291

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

PROPOSED RESOLUTION

PROPOSED AMENDMENTS TO THE COOK COUNTY'S HOME RULE RETAILER'S OCCUPATION AND SERVICE OCCUPATION TAXES

WHEREAS, Cook County Board President, Toni Preckwinkle ("President") and the Cook County Board of Commissioners successfully reduced Cook County's Retailer Occupation and Service Occupation Taxes (hereinafter referred to as "Sales Tax") in 2012 and 2013 to address the economic reality at that time and to promote and ensure operational efficiencies and a streamlined County government; and

WHEREAS, the Sales Tax reduction implemented by the President and the Cook County Board of Commissioners allowed approximately one and a half billion dollars to remain in the pockets of Cook County taxpayers during the 2011 through 2015 fiscal years; and

WHEREAS, the Sales Tax reduction led to a downsized workforce, a reduction in non-essential expenditures, enhanced collaboration resulting in a more streamlined County government, reductions in the County's Health System operating tax allocation, structured capital improvement plans, and a more efficient government; and

WHEREAS, the President and the County's Finance Team have undertaken preliminary budget briefings with members of the Cook County Board of Commissioners to discuss options to further streamline services as well as evaluate revenue opportunities; and

WHEREAS, given the fiscal challenges facing the County, additional expenditure reductions and new sources of revenue such as a property tax increase or a sales tax increase, are required to continue moving Cook County forward and to address its long term needs in a responsible manner so as not to unduly burden the children and grandchildren of current taxpayers with extensive debt and unfunded pension liabilities; and

WHEREAS, to serve the interests of current and future County residents and taxpayers, additional revenue opportunities and expenditure reductions are needed to address actuarially projected shortfalls associated with the County Officers' and Employees' Annuity and Benefit Fund ("the Annuity Fund"); County legacy debt service payments; and County road and infrastructure needs; and

WHEREAS, in consideration of feedback provided by the Cook County Board of Commissioners, the President supports an increase in the County's Sales Tax in 2016; the purpose behind this increase is to assist in promoting the long-term financial health of the Annuity Fund, address increasing legacy debt service payments in a financially prudent fashion, and fund various road and infrastructure needs; and

WHEREAS, through statute, the State of Illinois has established the Annuity Fund as an independent body politic, separate and apart from Cook County, and has further established statutory rules and systems that govern the financing for and the measurement standards of annuities associated with the

Annuity Fund; and

WHEREAS, despite the fact that Cook County employees and Cook County taxpayers consistently have contributed to the Annuity Fund the full amount permitted by law, the Annuity Fund is on a trajectory of eventual insolvency within 20 to 25 years; and

WHEREAS, according to current actuarial calculations, the statutory imbalance between contributions made by employees and taxpayers to the Annuity Fund and the corresponding actuarial and market-based measurement standards associated with the Annuity Fund increases costs by approximately \$1,000,000 per day; and

WHEREAS, various parties representing County employees, County taxpayers and County executive and legislative leaders have worked to develop certain State legislative reforms that seek to equitably balance the interests of all parties to address this imbalance; and

WHEREAS, said State legislative reforms, if enacted into law, could reduce annual annuity-related actuarial costs, permanently protect and preserve annuities, and deliver a healthcare trust fund and other significant new value to annuitants; and

WHEREAS, while any action taken by the County must anticipate the possibility of legislative action by the State of Illinois that could reduce the costs potentially attributable to taxpayers; in the absence of such legislative action, the County must create the means to contribute additional resources to and reduce actuarial costs associated with the Annuity Fund when permitted by law; and

WHEREAS, while the President remains hopeful that the State of Illinois will enact said legislative reforms, it is neither prudent nor fiscally responsible for the County to wait for State legislative reforms before taking action and a Sales Tax increase would prepare the County to be able to take action in a fair and responsible manner to help promote the long term health of the Annuity Fund; and

WHEREAS, the Sales Tax increase will allow Cook County to make \$55 million in increased annual legacy debt service payments by Fiscal 2017 without raising the property tax levy by a like amount; and

WHEREAS, the Sales Tax increase will allow Cook County to focus on County-wide road and infrastructure needs resulting in an anticipated additional funding of \$64.5 million annually by 2017 when compared with 2015 funding via Motor Fuel Taxes; and

WHEREAS, increasing the Sales Tax is not an easy choice; however, Cook County and its leadership must continue to act responsibly to address the long-term needs of the County's residents and taxpayers, and their children and grandchildren.

NOW, THEREFORE, BE IT RESOLVED, that the President and the Cook County Board of Commissioners do hereby support increasing the Cook County Retailers' Occupation and Service Occupation Taxes to reduce actuarially projected shortfalls associated with the Annuity Fund, absorb the County's legacy debt service increases, and to provide additional funding for road and infrastructure projects; and

BE IT FURTHER RESOLVED, that the President intends to recommend the appropriation of certain sums attributable to a Sales Tax increase and establish such mechanisms as will result in a greater contribution of tax receipts to the Annuity Fund as may be permitted by law, a significant increase in the County's long-term debt service associated with legacy borrowing from the year 2010 and earlier years, and additional funding for road and infrastructure projects in the Appropriation Ordinance and Bill for Fiscal Year 2016; and

BE IT FURTHER RESOLVED, that the President and the Cook County Board of Commissioners do hereby resolve to look at future reductions to the Cook County Retailers' Occupation and Service Occupation Taxes in the event the State of Illinois enacts legislation that reduces the long-term actuarial costs associated with the Annuity Fund

15-4292

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

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY SERVICE OCCUPATION TAX

NOW, THEREFORE BE IT ORDAINED, by the President and the Cook County Board of Commissioners that Chapter 74, TAXATION, Article V. - SERVICE OCCUPATION TAX, Sections 74-190 through 74-192 be amended as follows:

ARTICLE V. - SERVICE OCCUPATION TAX

Sec. 74-190. - Short title.

This article shall be known and may be cited as the Cook County Home Rule County Service Occupation Tax Ordinance.

Sec. 74-191. - Imposed.

As authorized by 55 ILCS 5/5-1007 (home rule county service occupation tax law), a tax is imposed Countywide upon all persons in the County engaged in the business of making sales of service at the rate of one and one-quarter percent (1.25%) through December 31, 2011; one percent (1%) for the period of January 1, 2012 through December 31, 2012; ~~and three-quarters percent (0.75%) through December 31, 2015; and one and three-quarters percent (1.75%) thereafter~~ of the selling price of all tangible personal property transferred by such serviceperson either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be paid in the manner provided in such statute.

Sec. 74-192. - Notification of the Illinois Department of Revenue.

The Clerk of the Board is hereby authorized and directed to obtain and transmit a certified copy of this Ordinance to the Illinois Department of Revenue not later than five days after its effective date, and in no case later than October 1, ~~2014~~2015 so as to enable the Illinois Department of Revenue to proceed to

administer and enforce the modifications provided in this Ordinance, on behalf of the County of Cook, as of ~~January 1, 2012 and on January 1, 2013~~ January 1, 2016.

Secs. 74-193-74-229. - Reserved.

Effective date: This ordinance shall be in effect immediately upon adoption except that the rate increase in Section 74-191 shall not take effect until January 1, 2016.

15-4294

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

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY RETAILERS' OCCUPATION TAX

NOW, THEREFORE BE IT ORDAINED, by the President and the Cook County Board of Commissioners that Chapter 74, TAXATION, Article IV. - RETAILERS' OCCUPATION TAX, Sections 74-150 through 74-152 be amended as follows:

ARTICLE IV. - RETAILERS' OCCUPATION TAX

Sec. 74-150. - Short title.

This article shall be known and may be cited as the Cook County Home Rule County Retail Occupation Tax Ordinance.

Sec. 74-151. - Imposed.

As authorized by 55 ILCS 5/5-1006 (home rule county retailers' occupation tax law), a tax is imposed Countywide upon all persons in the County engaged in the business of selling tangible personal property at retail, at the rate of one and one-quarter percent (1.25%) through December 31, 2011; one percent (1%) for the period of January 1, 2012 through December 31, 2012; ~~and three-quarters percent (0.75%)~~ through December 31, 2015; and one and three-quarters percent (1.75%) thereafter of the gross receipts from such sales made in the course of such business. The tax shall be paid in the manner provided in such statute.

Sec. 74-152. - Notification of the Illinois Department of Revenue.

The Clerk of the Board is hereby authorized and directed to obtain and transmit a certified copy of this Ordinance to the Illinois Department of Revenue not later than five days after its effective date, and in no case later than October 1, ~~2011~~2015 so as to enable the Illinois Department of Revenue to proceed to administer and enforce the modifications provided in this Ordinance, on behalf of the County of Cook, as of ~~January 1, 2012 and on January 1, 2013~~ January 1, 2016.

Secs. 74-153-74-189. - Reserved.

Effective date: This ordinance shall be in effect immediately upon adoption, except that the rate increase in Section 74-151 shall not take effect until January 1, 2016.

15-4287

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

ORDINANCE AMENDMENT REGARDING CURFEW FOR UNDERAGE PERSONS

Sec. 58-1. - Curfew for underage persons.

(a) *Short title.* This section shall be known and may be cited as the Children's Curfew Ordinance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child means any person, male or female who has not reached their 17th birthday is considered, for purposes of this section only, to be a child or children as the case may be.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. *County* does not include any area within an incorporated city, village, or town lying in whole or in part within the territory of Cook County, Illinois which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.

(c) *Curfew hours.* It shall be unlawful for any child as defined in Subsection (b) of this section to be upon any public place in the County between the hours of 11:30 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 11:30 p.m. Saturday and 6:00 a.m. Sunday, or between the hours of 10:30 p.m. and 6:00 a.m. on any other day of the week, unless accompanied by, and in the charge of a parent, guardian, or other proper companion of the age of 21 years or more, or unless engaged in some occupation or business in which such child may lawfully engage under the statutes of the State of Illinois.

(d) *Defenses; enforcement.* It is a defense to prosecution under Subsection (c) of this section that the child was:

- (1) On an errand at the direction of the child's parent or guardian, without any detour or stop;
- (2) In a motor vehicle involved in interstate travel;
- (3) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (4) Involved in an emergency. In this subsection the term "emergency" means an unforeseen

combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;

- (5) On the sidewalk abutting the child's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the child's presence;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or another similar entity that takes responsibility for the child, or going to or returning from, without any detour or stop, a official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or other similar entity that takes responsibility for the child;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

Before taking any enforcement action under this section, any sheriff, deputy sheriff, constable, deputy constable, or other duly authorized law enforcement officer of the County shall ask the apparent offender's age and reason for being in the public place. The law enforcement officer shall not issue a citation or make an arrest under this section unless the law enforcement officer reasonably believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsections (1) through (8) of this section is present. If the law enforcement officer believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsections (1) through (8) of this section is present, the law enforcement officer shall warn the child or children to desist immediately from such violation and shall promptly report the violation to his superior officer, together with the name or names and address or addresses of the child or children and parents or guardians of said child or children, and said superior officer shall cause a written notice to be served upon the parent, guardian or person in charge of such child or children, setting forth the manner in which this section has been violated.

(e) *Violation.* Any parent, guardian or person in charge of a child or children violating the provisions of this section, who, within a period of one year from the date of the violation, shall knowingly permit such child or children again to violate the provisions of this section, after receipt of the first violation notice served pursuant to Subsection (d) of this section, shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

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

15-4288

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

DRINKING ON THE PUBLIC WAY

Sec. 58-171. - Drinking on the public way.

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

Child means any person, male or female who has not reached their 17th birthday is considered, for purposes of this section only, to be a child or children as the case may be.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. *County* does not include any area within an incorporated city, village, or town lying in whole or in part within the territory of Cook County, Illinois which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.

(b) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way ~~under the jurisdiction of the~~ within County. This section shall not apply to portions of the public way occupied by a sidewalk cafe, which is properly licensed to sell alcoholic liquor.

(c) Any person violating any provision of this section shall be fined \$75.00.

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

15-4289

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

OFFENSES INVOLVING PROPERTY RIGHTS

ARTICLE II. - OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 58-41. - Vandalism and related offenses.

(a) 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:

Adjudicatory body means a judge assigned to the Circuit Court of Cook County or an administrative law officer appointed pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. County does not include any area within an incorporated city, village, or town which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.

Legal guardian shall include a person appointed guardian, or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.).

Minor means a person who has attained 11 years of age but who has not yet reached 18 years of age.

Property shall include any real estate including improvements thereon, and tangible personalty.

(b) Parents or legal guardians held criminally responsible. Acts of vandalism resulting in damage to real or personal property within the ~~unincorporated~~ areas of the County have increased, posing a threat to the value of property and the welfare of residents. It is in the best interests of the County that such acts be prosecuted by the County as a local offense; that penalties therefor be imposed which are related to the nature of the act and the type of offender; and that parents or legal guardians of minors who allow such acts to be committed by such minors be held criminally responsible for the failure to prevent the commission of such acts. The diligent pursuit of such interests will tend to increase parental supervision of minors and reduce the incidence of juvenile vandalism, thus advancing the welfare of residents of the County.

(c) Unlawful acts. Within ~~unincorporated~~ Cook County no person shall:

(1) Knowingly or recklessly damage or cause to be damaged any property of another person

without his consent; or

- (2) Knowingly and without authority enter into or obtain control over any motor vehicle, bicycle, aircraft or water craft or any part thereof of another person without his consent.

(d) Penalty for committing unlawful act. It shall be unlawful for any parent or guardian of any minor living with its parents or guardian to neglect to restrain such minor from committing any act prohibited by Subsection (c) of this section. The commission of any act prohibited by Subsection (c) of this section by a minor who is living with its parents or guardian shall raise the presumption that the parent or guardian has neglected to restrain such minor from committing such act. It shall be an affirmative defense for the parent or guardian to prove that such parent or guardian exercised his duty to restrain the minor from committing the act prohibited by Subsection (c) of this section complained of in the pending action, but that such action on the part of the parent or guardian to attempt to restrain said minor, although exercised with due care, was unsuccessful.

(e) Violation of Subsection (c). Every person or minor found guilty of an offense under Subsection (c) of this section shall be subject to either or both of the following penalties:

- (1) Fine. A fine not in excess of \$1,000.00.

- (2) ~~Court~~ Adjudicatory Body supervision.

- a. *Time period; termination.* The ~~court~~ Adjudicatory Body may, without entering a judgment of guilty, place such person under ~~court~~ Adjudicatory Body supervision for any period not exceeding one year. Such supervision may include any of the conditions provided for in Subsection (e)(2)b of this section as the ~~court~~ Adjudicatory Body determines appropriate. If the person completes the period of supervision without violating the conditions imposed by the ~~Court~~ Adjudicatory Body, the ~~Court~~ Adjudicatory Body shall discharge the defendant from supervision and dismiss the charge against the defendant. If the person, while under ~~court~~ Adjudicatory Body supervision, is convicted of any criminal offense in any jurisdiction and the State's Attorney or municipal prosecutor, as the case may be, moves for termination of supervision, the ~~Court~~ Adjudicatory Body shall terminate the supervision and enter a judgment of guilty on the plea or finding.

- b. *Conditions.* The conditions of ~~court~~ Adjudicatory Body supervision may, in addition, require that the defendant:

1. Work or pursue a course of study or vocational training;
2. Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or \$1,000.00, whichever is less;
3. Undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism; and

4. If a minor, to reside with his parent or in a foster home; attend school; attend a nonresidential program for youth, or contribute to his own support at home or in a foster home.
- c. Restitution or reparation. When a ~~court~~ Adjudicatory Body orders restitution or reparation as a condition for ~~court~~ Adjudicatory Body supervision, the ~~court~~ Adjudicatory Body shall determine the amount and conditions of payment. When the conditions of payment have not been satisfied, the ~~court~~ Adjudicatory Body, at any time prior to the expiration or termination of the period of ~~court~~ Adjudicatory Body supervision may impose an additional period of not more than two years. Only the conditions of payment shall continue to apply during such additional period. The ~~court~~ Adjudicatory Body shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the original conditions and to revoke the penalty of ~~court~~ Adjudicatory Body supervision if the conditions of payment are violated during such additional period.
- d. Petition charging violation of condition. When the petition is filed charging a violation of a condition imposed for ~~court~~ Adjudicatory Body supervision, the ~~court~~ Adjudicatory Body:
 1. ~~May order a summons to the offender to appear; or order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons. The issuance of such warrant or summons shall stay the sentence of court supervision until the final determination of the charge, and the term of court supervision shall not run so long as the offender has not answered the summons or warrant...~~
 2. Shall conduct a hearing of the alleged violation. ~~The court may admit the offender to bail pending the hearing.~~
 3. Shall receive evidence ~~in open court~~ with the right of confrontation, cross-examination and representation by counsel. The County has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence.
 4. Shall not revoke ~~court~~ Adjudicatory Body supervision for failure to comply with conditions of a sentence which imposes financial obligations upon the offender unless such failure is due to willful refusal to pay.
 5. May modify the conditions of ~~court~~ Adjudicatory Body supervision on motion of the County or on its own motion or at the request of the offender after notice to all parties and a hearing.
- e. Penalty for violation of condition. If the ~~court~~ Adjudicatory Body finds that the offender has violated a condition at any time prior to the expiration or termination of

the period, it may continue the offender on the existing period, with or without modifying or enlarging the conditions, or may impose any other penalty that was available at the time of the initial penalty.

- f. Revocation appealable. A judgment revoking a sentence of ~~court~~ Adjudicatory Body supervision is a final appealable order.

(f) Penalty for parental neglect to restrain minor. Every person found guilty of an offense under Subsection (d) of this section shall pay a fine not in excess of \$1,000.00.

(g) Parental liability for fine imposed upon minor. The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a ~~court~~ Adjudicatory Body upon a minor for violation of this article, provided that said minor has not paid said fine or made restitution or reparation within the time ordered by the ~~court~~ Adjudicatory Body, and further provided that said parent or legal guardian has been served with summons or notice to appear in the original cause against such minor and all proceedings thereafter.

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

15-4300

Sponsored by: PETER N. SILVESTRI, County Commissioner

PROPOSED RESOLUTION

TO ANALYZE THE ELCTRONIC DISSEMINATION OF INDENCENT VISUAL DEPICTIONS OF MINORS

WHEREAS, technology continues to evolve at the speed of light, and is constantly providing us with new ways to communicate with each other; and

WHEREAS, children are becoming exposed to these technologies and other social media sites at earlier ages than ever before; and

WHEREAS, the evolving nature of technology and the younger age of its users has made these children more and more susceptible to exploitation by both adults and each other; and

WHEREAS, “sexting” is commonly known as the transmittal of sexually explicit messages primarily between mobile phones is prohibited, in some form, throughout the United States; and

WHEREAS, the State of Illinois’ statute on the matter states that a “minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device” (705 ILCS 405/3-40(b)); and

WHEREAS, the penalty for such an act is a misdemeanor, usually requiring court supervision and counseling; and

WHEREAS, Cook County has a legitimate interest in the protection of the privacy and safety of its minor residents; and

WHEREAS, under the ‘home rule authority’ granted to Cook County by the constitution of the State of Illinois, the county may enact a stricter ordinance than exists under the state statute.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners will analyze and review the current Cook County ordinance and state laws regarding the electronic dissemination of indecent depictions of minors.

15-4293

Presented by: SHELLIE RIEDLE, Interim Director, Department of Budget and Management Services

REPORT

Department: Department of Budget & Management Services

Request: Report

Report Title: Projected 2015 Year-End Revenues and Expenditures

Report Period: 6/1/2015 - 11/30/2015

Summary: This report presents Cook County's General Fund and is projected to end FY2015 with a \$33.5 million shortfall, while the Health Fund is projecting a \$21.4 million surplus.