



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

New Items Agenda - Second Set

Wednesday, September 13, 2017, 11:00 AM

17-5242

Sponsored by: JOHN A. FRITCHEY and JESÚS G. GARCÍA, Cook County Board of Commissioners

PROPOSED ORDINANCE**COOK COUNTY IDENTIFICATION CARD ORDINANCE**

WHEREAS, Cook County is a home rule unit of local government as defined in Article VII, 6(6a) under the 1970 Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; 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, certain populations such as the homeless and indigent, the disabled and elderly, aspiring citizens and new Americans, children and students, runaway youth, formerly incarcerated individuals re-entering society and domestic abuse victims have had and continue to have difficulties obtaining valid and recognized form of identification; and

WHEREAS, not having a valid form of identification negatively impacts both public safety and the local economy as the result of individuals being prevented from accessing essential governmental and private sector services including law enforcement, financial institutions, jobs, housing as well as home and workplace protections; and

WHEREAS, without appropriate identification, individuals are often reluctant to report crimes to the police, to report labor and housing violations such as blighted properties, slum landlords, and workplace health, safety, and wage violations to the appropriate authorities; and

WHEREAS, there are many interactions with County government, including the offices of the County Clerk, Sheriff, Health and Hospital Systems and Clerk of the Court, which require an individual to have appropriate forms of identification, many of which are unavailable to some individuals residing in the County; and

WHEREAS, Cook County contains 132 individual municipalities, many of which require a valid and recognized form of identification in order to access certain municipal services. None of these 132 municipalities currently issue a municipal identification card and only one, Chicago, has taken any steps toward the creation of such a card; and

WHEREAS, Cook County is committed to providing all of its residents with fair and equal access to the services it provides and other services available to the general public for which a valid and recognized form of government identification is required; and

WHEREAS, the creation of a County Identification Card would address many of these issues thereby allowing cardholders to more equally engage in society while additionally fostering a feeling of welcome and inclusion; and

WHEREAS, neither Federal nor State law bars counties or municipalities from issuing their own ID Cards to any resident; and

WHEREAS, a number of other jurisdictions have established a municipal identification card program, including but not limited to: New York City, New York, Los Angeles, California, San Francisco, California, Washington, DC, Westchester County, New York, Mercer County, New Jersey, Washtenaw County, Michigan and Johnson County, Iowa; and most recently, Chicago, Illinois; and

WHEREAS, the County wishes to create a valid and recognized form of government identification for all of its residents;

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 42, Human Relations, Article II, Sec. 42-43 through 42-51 of the Cook County Code, are hereby enacted as follows:

COOK COUNTY IDENTIFICATION CARD PROGRAM

Sec. 42-43. Short title.

This article shall be known and may be cited as the "Ordinance Establishing the Cook County Identification Card Program"

Sec. 42-44. 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:

Agency shall mean the Office of the County Clerk or any local government agency designated by the Office of the County Clerk to issue a County Identification Card.

Director shall mean the County Clerk or his or her designee.

Entity That Receives County Funds shall mean any recipient of a contract, grant agreement, or loan agreement from the County of Cook.

County Identification Card shall mean an identification card issued by the County of Cook that shall display, including but not limited to, the cardholder's name, photograph, date of birth, an expiration date and, at the Applicant's option, display the cardholder's self-designated gender.

Resident shall mean a person who can demonstrate that he or she has been present in the County of Cook for at least fifteen continuous days and who presents Proof of Residency as set forth in Subsection 42-45(d).

Sec. 42-45. Issuance of County Identification Cards.

(a) Upon request, the Agency shall issue a County Identification Card to any Resident who meets the application requirements set forth below in subsection (c) and (d) and pays the applicable fee. The Card shall bear the seal of the County and the Director shall cause the Card to be processed in a Payment Card Industry-compliant facility in a form intended to thwart replication or counterfeit. Cards shall be valid for three years from the date of issuance as long as residence in the County is maintained during that time. Cardholder data for the County Identification Card shall not be retained by the processing facility or the County.

(b) To obtain a County Identification Card, a Resident shall complete an application as prescribed by the Office of the Clerk which shall, at a minimum, establish both proof of identity and proof of residence within the County. Upon receipt of sufficient proof of identity and residency as set forth herein, the Agency shall cause a County Identification Card to be issued to the applicant within 10 business days after the application is processed as set forth in Subsection 42-45 (a).

(c) All active-duty military, guard/reservists, and veterans with an honorable or general discharge that are able to provide proper documentation of such, shall have an indicator of their military or veteran status designated on the County Identification Card.

(d) **Proof of Identity:** In order to establish identity, each applicant must present either:

- (1) One of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); Certificate of Naturalization/Citizenship with picture; current U.S. Employment Authorization Document (EAD) or work permit issued by U.S. Citizenship and Immigration Services (USCIS) with a picture, date of birth and expiration date; a consular identification ("CID") card or Matricula Consular as set forth in Sec. 2-4 of this code. Notwithstanding the above, if the applicant is thirteen years of age or younger, he or she, as an alternative, may present an original or certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or
 - (2) Two of the following documents, provided that at least one form of identification shall display the applicant's photograph: a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; documents issued by U.S. Citizenship and Immigration Services (USCIS); a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by an Illinois educational institution, including elementary, middle, secondary, and post-secondary schools; a certified copy of a U.S. or foreign birth certificate; certificate of marriage or dissolution of
-

marriage; a court order issued by a state or federal court to verify a person's identity; a SSI or RSDI award letter issued by the Social Security Administration or a Social Security card; employee identification card from employer located in the U.S.; U.S. Union photo I.D.; discharge papers from Cook County Jail or an Illinois State prison. Notwithstanding the above, where the applicant is aged thirteen or under, he or she may in the alternative present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.

(e) Proof of Residency:

- (1) In order to establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the County: a mortgage statement within the last year or current residential property lease; a utility bill dated within the last 30 days; a written verification issued by a properly-licensed supportive housing facility, homeless shelter, hospital health clinic, or social services agency, confirming at least 15 days residency within the last year; a local property tax statement or mortgage payment receipt dated within the last 30 days; a bank account statement dated within the last 30 days; proof of a minor currently enrolled in a school located in the County; an employment pay stub dated within the last 30 days; a jury summons or court order issued by a state or federal court dated within the last 30 days; a federal or state income tax or refund statement dated within the last 30 days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last 30 days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.
- (2) The Director may by regulation provide that where an applicant aged twelve or younger cannot produce any of the items set forth in this Subsection (d)(1) in order to prove residency, a parent or legal guardian may verify the applicant's residency, provided that the parent or guardian himself or herself would be eligible for a County Identification Card.

(f) The Director may, by regulation, provide for acceptance of additional forms of Proof of Identity and/or Proof of Residency, provided that the Director determines that such forms of proof are:

- (1) Issued by a governmental entity; or
 - (2) Issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued; or
 - (3) Of a type that is normally accepted as proof of identity and/or proof of residency in the ordinary course of business within Cook County.
 - (4) The Clerk shall provide an option for victims of domestic violence to designate an alternative address, and alternative methods by which individuals who are homeless can establish residency notwithstanding the lack of fixed address.
-

(f) An application submitted on behalf of a minor (12 or younger) must be completed and verified by such minor's parent or legal guardian.

(g) The Agency shall keep confidential to the maximum extent permitted by applicable laws, the name, photograph and address of persons applying for and receiving County Identification Cards along with the date of issuance and expiration of such card. The Agency shall not retain records of applicants' Proof of Residency or Proof of Identity. Third party FOIA requests or any other information request related to the identity of cardholders shall be sent to and responded to by the Agency.

Sec. 42-46. Counterfeit and fraudulent cards.

It shall be a violation of this section for any person or entity to do any of the following acts:

(a) To knowingly present false information to the County in the course of applying for a county identification card.

(b) To alter, copy, or replicate a County Identification Card without the authority of the County.

(c) To use the county identification card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

Violations of this section shall be subject to a fine of \$100.00 for each offense, revocation of the County Identification Card, preclusion of applying for a County Identification Card for a period of five years and shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

Sec. 42-47. Implementation.

The Director is authorized to adopt rules and regulations consistent with content and intent of this Section in order to implement and administer the issuance of County Identification Cards. The Director shall consult with the Cook County Commission on Human Rights Executive Director and with other relevant departments in developing such rules and regulations. The Director shall require applicants to declare the information provided in their applications under penalty of perjury. The Cook County Commission on Human Rights Executive Director shall be responsible for coordinating with the Agency and other County Departments for the promotion of the Cards and the development of additional uses for the Card, including but not limited to entering into intergovernmental agreements with Cook County municipalities and other governmental bodies encouraging such entities to accept a County Identification Card as a recognized form of government identification. The Director is authorized to enter into such intergovernmental agreements in order to increase access for holders of a Cook County ID to services and privileges managed by those governmental bodies in addition to County services. In connection with such intergovernmental agreements, the Director is authorized to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of properly authorized funds, as shall be necessary or advisable in connection with the implementation of such

intergovernmental agreements and any renewals thereto.

Sec. 42-48. Fees.

The County shall charge a fee for each application submitted. Such fees shall not exceed the costs reasonably associated with the production of the cards and administration of the program. The Director shall, by regulation, provide for reduced application fees or waivers for low-income applicants who present proof of income status in a form to be determined by the Director, and for seniors as well as military personnel or veterans providing proof of such status. The fee will be set and published in Sec. 32-1. Fee Schedule.

Sec. 42-49. Acceptance by County Departments and Entities That Receive County Funds.

When requiring members of the public to provide identification or proof of residency in the County, each County department and any municipality or Entities that receive County Funds shall accept a County Identification Card as a valid form of government identification and as valid proof of residency in the County, unless such County department or Entity has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued.

Other than requiring the County and Entities that receive County Funds to accept the Card as proof of identification and County residency, this Section is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of County benefits and services. The requirements of this Section do not apply under circumstances where (1) a Federal or State statute, administrative regulation or directive, or court decision requires the County or Entity That Receives County Funds to obtain different identification or proof of residence, (2) a Federal or State statute or administrative regulation or directive preempts local regulation of identification or residency requirements, or (3) the County or Entity that receives County Funds would be unable to comply with a condition imposed by a funding source, which would cause the County or such Entity to lose funds from that source.

Sec. 42-50. Applicability.

This Section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an Ordinance of another governmental entity (which by law may not be superseded by this Section).

Sec. 42-51. Severability.

If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as limited by such order or judgment.

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

17-5249

Sponsored by: LARRY SUFFREDIN, JOHN P. DALEY, PETER N. SILVESTRI and JESÚS G. GARCÍA, Cook County Board of Commissioners

PROPOSED ORDINANCE

REGULATING REPORTS BY THE STATE'S ATTORNEY TO THE LITIGATION COMMITTEE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article IV - Officers and Employees, Division 9 - State's Attorneys, Subdivision 1 - In General, Section 2-329 - State's Attorney's Reports to the Litigation Subcommittee is hereby enacted as follows:

Sec. 2-329. -State's Attorney's Reports to the Litigation Subcommittee

(a) Notice of Monetary Counterclaims and Fee Requests. When representing Cook County, Cook County Departments or Officers, or any County Official in any civil legal action in State or Federal Court, the State's Attorney or a Special State's Attorney shall provide notice to the Litigation Subcommittee of the Finance Committee of the Cook County Board of Commissioners (litigation Subcommittee) prior to filing a monetary counterclaim, request for monetary sanctions, request for statutory reimbursement and/or request for fees in excess of one hundred thousand dollars (\$100,000). If the State's Attorney or Special State's Attorney is unable to provide notice to the Litigation Subcommittee in advance of filing, the State's Attorney or Special State's Attorney shall inform the Chair of the Litigation Subcommittee in advance of filing and provide notice to the Litigation Subcommittee at its next scheduled meeting.

(b) Quarterly Inventory of Civil Actions. The State's Attorney shall give a quarterly inventory report to the Litigation Subcommittee of the Finance Committee of the Cook County Board of Commissioners of all civil actions that Cook County is named as a party in all courts of State or Federal jurisdiction.

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