



**Board of Commissioners of Cook County  
Legislation and Intergovernmental Relations Committee Minutes**

**Wednesday, October 5, 2016**

**9:30 AM**

**Cook County Building, Board Room, 569  
118 North Clark Street, Chicago, Illinois**

**ATTENDANCE**

**Present:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

**PUBLIC TESTIMONY**

Chairman Suffredin asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code.

1. George Blakemore, Concerned Citizen
2. John Gregory Hoke, Biotechnology Innovation Organization
3. Kim Wasserman, Little Village Environmental Justice Organization
4. Honorable Debra Shore, Commissioner, Cook County Metropolitan Water Reclamation District
5. Brynna Clark, Generic Pharmaceutical Association (GPhA)
6. James Muhammad, SEIU Healthcare
7. Andrew Corsig, Pharmaceutical Research and Manufacturers of America (PhRMA)
8. Warren Ribley, Illinois Biotechnology Innovation Organization
9. Carlos I. Guterrez, Consumer Healthcare Products Association
10. Katrina Philips, Sierra Club Advocate

**16-5211**

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 7/13/2016

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to approve 16-5211. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

## 16-5212

### COMMITTEE MINUTES

Approval of the minutes from the meeting of 8/2/2016

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to approve 16-5212. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

## 16-5213

### COMMITTEE MINUTES

Approval of the minutes from the meeting of 8/3/2016

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to approve 16-5213. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

## 16-1983

**Sponsored by:** LARRY SUFFREDIN, LUIS ARROYO JR., RICHARD R. BOYKIN, JOHN P. DALEY, BRIDGET GAINER, PETER N. SILVESTRI, Cook County Commissioners

### PROPOSED ORDINANCE

#### AN ORDINANCE GOVERNING THE SAFE DISPOSAL OF PHARMACEUTICALS

**WHEREAS**, Cook County is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

**WHEREAS**, pursuant to its home rule power, Cook County 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**, the health and welfare of the residents of Cook County, particularly children and the elderly, would be greatly improved and advanced by the proper disposal of unwanted, expired or unneeded prescription drugs; and

**WHEREAS**, there is a significant risk of poisoning, in particular to children and the elderly, due to the improper or careless disposal of prescription drugs and the illegal re-sale of prescription drugs; and

**WHEREAS**, the groundwater and drinking water of Cook County is being contaminated by improperly disposed of prescription drugs passing through our wastewater and treatment centers; and

**WHEREAS**, the United States Supreme Court has held that waste disposal is traditionally a function of local government; and

**WHEREAS**, the first pharmaceutical disposal ordinance was enacted by Alameda County, California in 2012; and

**WHEREAS**, since Alameda County's enactment, other counties have enacted or introducing ordinances regulating the disposal of pharmaceuticals, including Los Angeles, Marin, Santa Barbara, Santa Clara, Santa Cruz, San Francisco, and San Mateo Counties in California and King County, Washington;

**WHEREAS**, the Alameda County ordinance was upheld in the United States District Court for the Northern District of California in *Pharmaceutical Research and Manufacturers of America, et. al v. Alameda County, et. al.*, No. 3:12-cv-06203 (N.D. Cal., Aug. 28, 2013) and in the United States Court of Appeals for the Ninth Circuit in *Pharmaceutical Research and Manufacturers of America, et. al v. Alameda County, et. al.*, No. 3:12-cv-06203 (9th Circuit, September 30, 2014). The United States Supreme Court declined to hear the case; and

**WHEREAS**, in an opinion by Judge N.R. Smith, the Ninth Circuit held that the ordinance did not burden interstate commerce, given that the Ordinance did not affect the interstate flow of goods; and

**WHEREAS**, the ordinance was found to not discriminate in favor of in-County competitors, as in both on its face and in effect, it applied to all manufacturers that make their drugs available in Alameda County-without respect to the geographic location of the manufacturer; and

**WHEREAS**, the ordinance did not impose different requirements on Producers within California and Producers outside of California; and

**WHEREAS**, the ordinance did not act like a tariff and there was no evidence that the Ordinance will interrupt, or even decrease, the "flow of goods" into or out of Alameda County; and

**WHEREAS**, the ordinance had de minimis costs as compared with the health, safety and environmental benefits; and

**NOW, THEREFORE, BE IT ORDAINED**, the above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 5, Pharmaceutical Disposal Program, Sections 46-102 - 46-121 is hereby enacted as follows:

Sec. 46-102 - Definitions.

For the purposes of this Division, the following definitions apply:

A. "Board" means the Board of Commissioners of Cook County, Illinois.

B. "County" means Cook County, Illinois.

C. "County residents" mean human beings residing in the County.

D. "Collector" means a Person approved by the Director to gather Unwanted Covered Drugs from County residents for the purpose of collection, transportation, and disposal.

E. "Covered Drug" means a Drug in any form used by County residents, including prescription, nonprescription, brand name and generic drugs. Notwithstanding the previous sentence, "Covered Drug" does not include:

- (1) vitamins or supplements;
- (2) herbal-based remedies and homeopathic drugs, products, or remedies;
- (3) cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Chapter 9);
- (4) Drugs for which Producers provide a pharmaceutical product stewardship or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy (21 U.S.C. § 355-1);
- (5) Drugs that are biological products as defined by 21 C.F.R. § 600.3(h) as it exists on the effective date of this Division if the Producer already provides a pharmaceutical product stewardship or take-back program; and
- (6) medical devices or their component parts or accessories.

F. "Director" means the Director of the Prescription Drug Take Back Program of the Cook County Sheriff's Office, or a duly authorized representative.

G. "District" means the districts of Cook County as defined in Article II, Section 22-34 of the Code of Ordinances of Cook County, Illinois.

H. "Drug Wholesaler" means a Person who buys Drugs for resale and distribution to corporations, individuals, or entities other than consumers.

I. "Drug" means:

- (1) any article recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States or any supplement of the formulary or those pharmacopoeias as published by the U.S. Pharmacopeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;
- (2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;
- (3) any substance, other than food, intended to affect the structure or any function of the body of humans or other animals; or
- (4) any substance intended for use as a component of any substance specified in (1), (2), or (3) of this definition.

J. "Manufacture" means the production, preparation, propagation, compounding, or processing of a Drug but does not include the activities of a Repackager or Drug Wholesaler, or practitioner who, distributes or dispenses such substance or device in the course of his or her professional practice or, prepares, compounds, packages, or labels such substance or device.

K. “Manufacturer” means a Person engaged in the Manufacture of Drugs.

L. “Mail-back services” means a collection method for the return of Unwanted Covered Drugs from County residents utilizing pre-paid and pre-addressed mailing envelopes.

M. “Nonprescription Drug” means a Drug that may be lawfully sold without a prescription.

N. “Person” means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

O. “Pharmacy” means a place licensed by the state of Illinois Department of Financial and Professional Regulation engaged in the practice of “Pharmacy,” as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/1 et. seq. is conducted.

P. “Prescription Drug” means any Drug, including any controlled substance, that is required by federal or state law or regulation to be dispensed by prescription only or is restricted to use by practitioners only.

Q. “Producer” means a Manufacturer engaged in the Manufacture of a Covered Drug sold in the County, including a brand-name or generic Drug. Notwithstanding the previous sentence, “Producer” does not include:

(1) a retailer whose store label appears on a Covered Drug or the drug’s packaging if the Manufacturer from whom the retailer obtains the drug is identified under Sec. 46-103(d) of this Division;

(2) a Repackager if the Manufacturer from whom the Repackager obtains the Drug is identified under Sec. 46-103(d) of this Division;

(3) a pharmacist who compounds or repackages a prescribed individual drug product for a consumer; or

(4) a wholesaler who is not also the Manufacturer.

R. “Repackager” means a person who owns or operates an establishment that repacks and relabels a product or package for further sale, or for distribution without a further transaction.

S. “Sheriff” means the Office of the Cook County Sheriff.

T. “Stewardship Plan” means a plan for the collection, transportation and disposal of Unwanted Covered Drugs required under Sec. 46-104 of this Division that is: (1) financed, developed, implemented and participated in by one or more Producers; (2) operated by the participating Producers or a Stewardship Organization; and (3) approved by the Director.

U. “Stewardship Organization” means an organization designated by a Producer or group of Producers to act as an agent on behalf of one or more Producers to develop and implement and operate a Stewardship Plan.

V. “Unwanted Covered Drug” means any Covered Drug that the owner has discarded or intends to discard.

Sec. 46-103 - Stewardship Plans - Participation.

(a) Each Producer shall participate in a Stewardship Plan. Each Producer must:

- (1) operate, individually or jointly with other Producers, a Stewardship Plan approved by the Director; or
- (2) enter into an agreement with a Stewardship Organization to operate, on the Producer's behalf, a Stewardship Plan approved by the Director; or
- (3) enter into an agreement with the Director to operate, on the Producer's behalf, a Stewardship Plan approved by the Director.

(b) Each Stewardship Plan must be approved by the Director before the entity administering the plan starts collecting Unwanted Covered Drugs. Once approved, each Stewardship Plan must have prior written approval of the Director for proposed changes as described under Sec. 46-102.

(c) By six months after the effective date of this Division, or by six months after a Produce starts sale of a Covered Drug in the County, a Producer must notify the Director in writing of the Producer's intent to participate in a Stewardship Plan, or to form a new Stewardship Plan.

(d) By six months after the effective date of this Division, or by six months after a retailer whose label appears on a Covered Drug or the Covered Drug's packaging starts selling the Covered Drug in the County, or by six months after a Covered Drug repackaged by Repackager is first sold in the County, and, thereafter, upon request from the Director, a retailer or Repackager whose label appears on a Covered Drug or the Covered Drug's packaging must provide:

- (1) written notification as to whether the Manufacturer from whom the retailer or Repackager obtains the Covered Drug has provided its notice of intent to participate; and
- (2) the contact information of the Manufacturer from whom the retailer or Repackager obtains the Covered Drug, including the telephone number, mailing address and email address of the retailer's or Repackager's point of contact at the Manufacturer.

(e) A Producer, either individually or jointly with other Producers, shall:

- (1) By nine months after the effective date of this Division, or nine months after starting sale of a Covered Drug in the County, identify in writing to the Director a Stewardship Plan operator, including the operator's telephone, mailing address and email contact information, that is authorized to be the official point of contact for the Stewardship Plan;
- (2) By nine months after the effective date of this Division, or nine months after starting sale of a Covered Drug in the County, notify all Pharmacies and law enforcement agencies in the County of the opportunity to participate as a drop-off site in accordance with Sec. 46-105 of this Division and provide a process for forming an agreement between the Stewardship Plan and interested Collectors; and annually thereafter, make the same notification to any nonparticipating or new Pharmacies in the County;

(3) By one year after the effective date of this Division, or one year after starting sale of a Covered Drug in the County, submit a proposed Stewardship Plan as described in Sec. 46-104 to the Director for review;

(4) Within three months after the Director's approval of the Stewardship Plan, operate or participate in the Stewardship Plan in accordance with this Division;

(5) At least every four years after the Stewardship Plan starts operations, submit an updated Stewardship Plan to the Director explaining any substantive changes to components of the Stewardship Plan required in Sec. 46-104. The updated Stewardship Plan shall be accompanied by the plan review fee in accordance with Section 46-115 of this Division. The Director shall review updated Stewardship Plans using the process described in Sec. 46-111 of this Division; and

(6) Pay all administrative and operational costs and fees associated with its Stewardship Plan.

(f) A Producer, either individually or jointly with other Producers, may:

(1) Enter into contracts and agreements with Stewardship Organizations, other service providers, or other entities as necessary, useful or convenient to carry out all or portion of their Stewardship Plan;

(2) Notify the Director of any Producer selling Covered Drugs Manufactured by that Producer or group of Producers in the County that is failing to participate in a Stewardship Plan; and

(3) Perform any other functions as may be necessary or proper to carry out the Stewardship Plan and to fulfill any or all of the purposes for which the plan is organized.

(g) After the first full year of participation in a Stewardship Plan, a Producer or group of Producers may notify the Director in writing of intent to form a new Stewardship Plan, and identify a plan operator, including the plan operator's telephone, mailing address, and email contact information, that is authorized to be the official point of contact for the proposed new Stewardship Plan. Within three months of such notification, the Producer or group of Producers shall submit a proposed Stewardship Plan as described under Sec. 46-104 to the Director for review.

(h) The Director may, on a case-by-case basis, approve in writing requests for extensions of time for the submission dates and deadlines in this Sec. 46-103.

(i) The Director may audit the records of a Producer, group of Producers, or Stewardship Organization related to a Stewardship Plan or request that the Producer, group of Producers, or Stewardship Organization arrange for the Director to inspect at reasonable times a Stewardship Plan's or a Collector's facilities, vehicles, and equipment used in carrying out the Stewardship Plan.

Sec. 46-104 - Stewardship Plans - Components.

Each Stewardship Plan, which must be submitted and reviewed according to Sec. 46-111, shall include:

(a) Contact information for all Producers participating in the Stewardship Plan, including each Drug Producer's name, address, phone number, and email address, and the name, address, phone number, and email address of a human being to whom the Director may direct all inquiries regarding the Producer's participation in the Stewardship Plan;

(b) A description of the proposed collection system to provide convenient ongoing collection service for all Unwanted Covered Drugs from County residents in compliance with the provisions and requirements in Sec. 46-105, including a list of all collection methods and participating Collectors, a list of drop-off sites, a description of how any periodic collection events will be scheduled and located, a description of how any mail-back services will be provided and an example of the prepaid, preaddressed mailers the plan will use. The description of the collection service shall include a list of Retail Pharmacies and law enforcement agencies contacted by the plan under Sec. 46-103 (e)(2) of this Division, and a list of all Collectors who offered to participate;

(c) A description of the handling and disposal system, including identification of and contact information for Collectors, transporters and waste disposal facilities to be used by the Stewardship Plan in accordance with Sec. 46-105 and Sec. 46-107 of this Division;

(d) A description of the policies and procedures to be followed by Persons handling Unwanted Covered Drugs collected under the Stewardship Plan, including a description of how all Collectors, transporters and waste disposal facilities used will ensure that the collected Unwanted Covered Drugs are safely and securely tracked from collection through final disposal, and how all entities participating in the Stewardship Plan will operate under and comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the United States Drug Enforcement Administration, and how any Pharmacy collection site will operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, et. seq.

(e) A certification that any patient information on Drug packaging will be promptly destroyed;

(f) A description of the public education effort and promotion strategy required in Sec. 46-106 of this Division, including a copy of standardized instructions for County residents, signage developed for Collectors, and required promotional materials;

(g) Proposed short-term and long-term goals of the Stewardship Plan for collection amounts, education and promotion; and

(h) A description of how the Stewardship Plan will consider:

- (1) use of existing providers of waste pharmaceutical services;
- (2) separating Covered Drugs from packaging to the extent possible to reduce transportation and disposal costs; and
- (3) recycling of Drug packaging to the extent feasible.



Sec. 46-105 - Stewardship Plans - Collection of Covered Drugs.

(a) This Section does not require any Person to serve as a Collector in a Stewardship Plan. A Person may offer to serve as a Collector voluntarily, or may agree to serve as a Collector in exchange for incentives or payment offered by a Producer, group of Producers or Stewardship Organization. Collectors may include law enforcement agencies, Pharmacies, mail-back services or other entities, operating in accordance with state and federal laws and regulations for the handling of Covered Drugs, including but not limited to those of the United States Drug Enforcement Administration, and in compliance with this Division. A Pharmacy collection site shall operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, et. seq.

(b) The collection system for each Stewardship Plan shall:

(1) Provide reasonably convenient and equitable access for County residents in all Districts through drop-off sites. The system of drop-off sites shall provide at least one drop-off site for every 20,000 County residents in each District, located in every city, town or unincorporated area, geographically distributed to provide reasonably convenient and equitable access, but at no time shall there be less than five drop-off sites per District. If the service convenience goal in this subsection (b)(1) cannot be achieved due to a lack of drop-off sites at pharmacies, law enforcement agencies, or other qualified Collectors in each District, then those areas shall be served through periodic collection events and/or or mail-back services. The system of drop-off sites shall provide in every city, town, or unincorporated community service area with a pharmacy or law enforcement facility, one drop-off site and a minimum of at least one additional drop-off site for every thirty thousand residents, geographically distributed to provide reasonably convenient and equitable access.

(2) Be safe and secure, including providing for the prompt destruction of patient information on Drug packaging.

(3) Give preference to having Retail Pharmacies and law enforcement agencies serve as drop-off sites.

(4) Include, as Collectors, any Pharmacy or any law enforcement agency willing to serve voluntarily as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division within three months of their offer to participate, unless the Collector requests a longer time frame. A Stewardship Plan may also accept other Collectors willing to serve as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division; and

(5) Make mail-back services available, free of charge, to disabled and homebound County residents upon request through the Stewardship Plan's toll-free telephone number and web site, and through distribution of prepaid, preaddressed mailers to Persons providing services to such County residents. The toll-free telephone number and web site required by this subsection (b)(5) shall be in English, Spanish, Polish, Chinese, Korean, and Russian.

(c) In addition to the collection system described in subsection (b)(1), all stewardships plans shall jointly operate a drop-off site within each County-owned pharmacy.

(d) Drop-off sites shall accept all Covered Drugs from County residents during all hours that the Pharmacy, law enforcement agency, or other Collector is normally open for business with the public. Drop-off sites not operated by a law enforcement agency shall utilize secure collection bins in compliance with all applicable requirements, including but not limited to those of the United States Drug Enforcement Administration and the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, et. seq. In the event that more than one Stewardship Plan operates a drop-off site at a particular location, each drop-off site must accept all Covered Drugs.

#### Sec. 46-106 - Stewardship Plans - Promotion.

(a) All Stewardship Plans shall coordinate with each other and develop a single system of promotion that shall:

- (1) Promote the Stewardship Plans so that collection options for Covered Drugs are widely understood by County residents, pharmacists, retailers of Covered Drugs and health care practitioners including doctors and other prescribers, veterinarians and veterinary hospitals, and promote the safe storage of Covered Drugs by County residents;
- (2) Work with Collectors participating in Stewardship Plans to develop clear, standardized instructions for County residents on the use of collection bins and a readily-recognizable, consistent design of collection bins;
- (3) Establish a single toll-free telephone number and single web site where collection options and current locations of drop-off sites will be publicized, and prepare educational and outreach materials promoting safe storage of medicines and describing where and how to return Unwanted Covered Drugs to the Stewardship Plan. These materials must be provided to Pharmacies, health care facilities, veterinary facilities, and other interested parties for dissemination to County residents. Plain language and explanatory images should be used to make use of medicine collection services readily understandable by all County residents, including individuals with limited English proficiency;
- (4) Conduct a biennial survey of County residents and a survey of pharmacists, veterinarians, and health professionals in the County who interact with patients on use of medicines after the first full year of operation of the plans. Survey questions shall measure percent awareness of the Stewardship Plans, assess to what extent drop-off sites and other collection methods are convenient and easy to use, and assess knowledge and attitudes about risks of abuse, poisonings and overdoses from prescription and nonprescription medicines used in the home. Draft survey questions shall be submitted to the Director for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Director and made available to the public on the website required in this Sec. 46-106 within 90 days of the end of the survey period. The privacy of all survey respondents shall be maintained.

(b) All surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 16-106 shall be in English, Spanish, Polish, Chinese, Korean, and Russian.

(c) The Director shall provide guidance on the development of a single system of promotion.

#### Sec. 46-107 - Stewardship Plans - Disposal of Covered Drugs.

(a) Covered Drugs collected under a Stewardship Plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 264 and 265.

(b) The Director may grant approval for a Stewardship Plan to dispose of some or all collected Covered Drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 60 and 62, if the Director deems the use of a hazardous waste disposal facility described under subsection (a) of this Sec. 46-107 to be infeasible for the Stewardship Plan based on cost, logistics or other considerations.

(c) A Stewardship Plan may petition the Director for approval to use final disposal technologies that provide superior environmental and human health protection than provided by the disposal technologies in subsections (a) and (b) of this Section 6 or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas:

- (1) monitoring of any emissions or waste;
- (2) worker health and safety;
- (3) reduction or elimination of air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
- (4) overall impact on the environment and human health.

#### Sec. 46-108 - Stewardship Plans - Administrative and Operational Costs and Fees.

(a) A Producer or group of Producers participating in a Stewardship Plan shall pay all administrative and operational costs related to their Stewardship Plan, except as provided under this Sec. 46-108. Administrative and operational costs related to the Stewardship Plan include but are not limited to the following:

- (1) Collection and transportation supplies for each drop-off site;
- (2) Acquisition of all secure collection bins for drop-off sites;
- (3) Ongoing maintenance or replacement of secure collection bins, as requested by Collectors;
- (4) Prepaid, preaddressed mailers provided to disabled and/or home-bound County residents;
- (5) Operation of periodic collection events, including costs of law enforcement staff time if necessary;
- (6) Transportation of all collected Covered Drugs to final disposal, including costs of law enforcement escort if necessary;
- (7) Environmentally sound disposal of all collected Covered Drugs under Sec. 46-107 of this Division;

(8) Program promotion under Sec. 46-106 of this Division; and

(b) No Person or Producer may charge a point-of-sale fee to consumers to recoup the costs of their Stewardship Plan, nor may they charge a specific point-of-collection fee at the time the Covered Drugs are collected.

(c) Producers are not required to pay for costs of staff time at drop-off sites provided by Collectors volunteering to participate in a Stewardship Plan.

Sec. 46-109 - Stewardship Plans - Reporting Requirements.

(a) Within six months after the end of the first 12-month period of operation, and annually thereafter, the plan operator of a Stewardship Plan shall submit a report to the Director on behalf of participating Producers describing their plan's activities during the previous reporting period. The report must include:

- (1) A list of Producers participating in the Stewardship Plan;
- (2) The amount, by weight, of Covered Drugs collected, including the amount by weight from each collection method used;
- (3) A list of drop-off sites;
- (4) The number of mailers provided for disabled and/or home-bound County residents;
- (5) The locations where mailers were provided, if applicable;
- (6) The dates and locations of collection events held, if applicable;
- (7) The transporters used and the disposal facility or facilities used for all Covered drugs;
- (8) Whether any safety or security problems occurred during collection, transportation or disposal of Unwanted Covered Drugs during the reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;
- (9) A description of the public education, outreach and evaluation activities implemented during the reporting period;
- (10) A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;
- (11) A summary of the Stewardship Plan's goals, the degree of success in meeting those goals in the past year, and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and
- (12) The total expenditures of the Stewardship Plan during the reporting period.

(b) The Director shall make reports submitted under this Section available to the public.

(c) For the purposes of this Sec. 46-109, “reporting period” means the period from January 1 through December 31 of the same calendar year, unless otherwise specified to the plan operator by the Director.

#### Sec. 46-110 - Stewardship Plans - List of Producers of Covered Drugs.

Beginning 60 days after the effective date of this Division, each Drug Wholesaler that sells any Covered Drug in the County must provide a list of the Producers of those Covered Drugs to the Director in a form prescribed by the Director. Wholesalers must update and resubmit the list by January 15 each year.

#### Sec. 46-111 - Stewardship Plans - Review Of Proposed Plans.

(a) By one year after the effective date of this Division, or one year after starting sale of a Covered Drug in the County, each Producer, group of Producers or Stewardship Organization shall submit its proposed Stewardship Plan to the Director for review, accompanied by the plan review fee in accordance with Sec. 46-115 of this Division. The Director may upon request provide information, counseling, and technical assistance about the requirements of this Division to assist with the development of a proposed Stewardship Plan.

(b) The Director shall review the proposed Stewardship Plan and determine whether it meets the requirements of this Division. In reviewing a proposed Stewardship Plan, the Director shall provide an opportunity for written public comment on the proposed Stewardship Plan and consider any comments received.

(c) After the review under subsection (b) of this Sec. 46-111 and within 90 days after receipt of the proposed Stewardship Plan, the Director shall either approve or reject the proposed Stewardship Plan in writing and, if rejected, provide reasons for the rejection.

(d) If the Director rejects a proposed Stewardship Plan, a Producer, group of Producers, or Stewardship Organization must submit a revised Stewardship Plan to the Director within 60 days after receiving written notice of the rejection. The Director shall review and approve or reject a revised Stewardship Plan as provided under subsections (b) and (c) of this Sec. 46-111.

(e) If the Director rejects a revised Stewardship Plan, or any subsequently revised plan, the Director may deem the Producer or group of Producers out of compliance with this Division and subject to the enforcement provisions in this Division.

(f) In approving a proposed Stewardship Plan, the Director may exercise reasonable discretion to waive strict compliance with the requirements of this Division that apply to Producers in order to achieve the objectives of this Division.

(g) The Director shall make all Stewardship Plans and proposed plans submitted under this Section 46-111 available to the public.

#### Sec. 46-112 - Stewardship Plans - Prior Approval for Change.

(a) Proposed changes to an approved Stewardship Plan that substantively alter plan operations, including, but not limited to, changes to participating Manufacturers, collection methods, achievement of the service convenience goal, policies and procedures for handling Unwanted Covered Drugs, or education and promotion methods or disposal facilities, must be approved in writing by the Director

before the changes are implemented.

(b) A Producer or group of Producers or Stewardship Organization participating in an approved Stewardship Plan shall submit proposed changes to an approved Stewardship Plan within six months upon notice from the Director of a change to the population of a District as described in Sec. 46-105 (b) (1).

(c) A Producer or group of Producers or Stewardship Organization participating in a Stewardship Plan shall submit to the Director any proposed change to a Stewardship Plan as described under subsection (a) of this Sec. 46-111 in writing at least 30 days before the change is scheduled to occur and accompanied by the review fee in accordance with Sec. 46-115 of this Division.

(d) A Producer or group of Producers or Stewardship Organization participating in an approved Stewardship Plan shall notify the Director at least 15 days before implementing any changes to drop-off site locations, methods for scheduling and locating periodic collection events, or methods for distributing prepaid, preaddressed mailers, that do not substantively alter achievement of the service convenience goal under Sec. 46-105(b)(1) of this Division, or other changes that do not substantively alter plan operations under subsection (a) of this Sec. 46-111.

(e) A Producer or group of Producers or Stewardship Organization may request an advance determination from the Director whether a proposed change would be deemed to substantively alter plan operations.

#### Sec. 46-113 - Stewardship Plans - Enforcement and Penalties.

(a) The Director shall administer the penalty provisions of this Division.

(b) If the Director makes findings and determines that any Person has violated this Division or a regulation adopted pursuant to this Division, the Director shall send a written warning, as well as a copy of this Division and any regulations adopted pursuant to this Division, to the Person or Persons who violated it. The Person or Persons shall have 30 days after receipt of the warning to come into compliance and correct all violations.

(c) If the Person or Persons fail to come into compliance or correct all violations, the Director may impose administrative fines for violations of this Division or of any regulation adopted pursuant to this Division.

(1) Upon findings made under subsection (b), the Person or Persons shall be subject to an administrative fine as follows:

(A) A fine not exceeding one hundred dollars (\$100.00) for a first violation;

(B) A fine not exceeding two hundred dollars (\$200.00) for a second violation;

(C) A fine not exceeding five hundred dollars (\$500.00) for the third violation and each subsequent violation.

(2) Each day a violation continues constitutes a separate violation.

(3) Fine Procedures. Notice of the fine shall be served on the Person or Persons. The notice shall contain an advisement of the right to request a hearing in the Cook County Department of Administrative Hearings. Hearings on violations shall be conducted in accordance with Article IX. - Administrative Hearings of the Cook County Code of Ordinances.

(4) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director or his or her designee after the hearing, the Director may use any lawful means for collecting the fine, including instituting an action in any court of proper jurisdiction.

(d) The County, a Producer, group of Producers, a Stewardship Organization, a group of Stewardship Organizations, any organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in the Cook County, or a combination thereof may bring a civil action to enjoin violations of or compel compliance with any requirement of this Division or any rule or regulation adopted pursuant to this Division, as well as for payment of civil penalties and any other appropriate remedy. The court shall award reasonable attorney's fees and costs to the County, Producer, group of Producers, Stewardship Organization, group of Stewardship Organizations, organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in Cook County, or a combination thereof that is the prevailing party in a civil action brought under this subsection (d). A Producer, group of Producers, Stewardship Organization, group of Stewardship Organizations, organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in Cook County, or a combination thereof may institute a civil action under this subsection (d) only if:

(1) The Producer, group of Producers, Stewardship Organization, group of Stewardship Organizations, organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in Cook County, or a combination thereof has filed a Complaint with the Chief Executive Officer;

(2) 90 days have passed since the filing of the Complaint;

(3) After such 90-day period has passed, the Producer, group of Producers, Stewardship Organization, group of Stewardship Organizations, organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in Cook County, or a combination thereof provides 30-day written notice to the Director and the County Counsel's Office of its intent to initiate civil proceedings; and

(4) The County has not provided notice to the Producer, group of Producers, Stewardship Organization, group of Stewardship Organizations, organization with tax exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the environment in Cook County, or a combination thereof of the County's intent to initiate civil proceedings by the end of the 30-day period.

(e) Any Person who knowingly and willfully violates the requirements of this Division or any rule or regulation adopted pursuant to this Division is punishable by a fine of not less than fifty dollars (\$50) and not more than five hundred (\$500) for each day per violation.

(f) Any Person in violation of this Division or any rule or regulation adopted pursuant to this Division shall be liable to the County for a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per day per violation. Each day in which the violation continues shall constitute a separate violation. Civil penalties shall not be assessed pursuant to this subsection (f) for the same violations for which the Director assessed an administrative penalty pursuant to subsection (c) of this Sec. 46-113.

(g) In determining the appropriate penalties, the court or the Director shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

(h) No civil or administrative action under this Sec. 46-113 may be brought more than four years after the date of the alleged violation.

#### Sec. 46-114 - Stewardship Plans - Rules, Performance Standards, and Report.

(a) The Director, following public notice and a hearing, may adopt rules necessary to implement, administer, and enforce this Division.

(b) The Director may work with the Stewardship Plan operator to define goals for collection amounts, education, and promotion for a Stewardship Plan.

(c) The Director shall report as requested to the Board concerning the status of all Stewardship Plans and recommendations for changes to this Division. The report may also include a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses, and preventable poisonings.

#### Sec. 46-115 - Stewardship Plans - Plan Review and Annual Operation Fees.

(a) The Board authorizes the Director to charge the fees identified in this Division. A Producer or group of Producers participating in a Stewardship Plan shall pay to the Director plan review fees to be established under subsection (d) of this Section 46-115 for:

- (1) Review of a proposed Stewardship Plan;
- (2) Resubmittal of a proposed Stewardship Plan;
- (3) Review of changes to an approved Stewardship Plan;
- (4) Submittal of an updated Stewardship Plan at least every four years under Sec. 46 103(e)(5) of this Division; or
- (5) Review of any petition for approval to use alternative final disposal technologies under Sec. 46-107(c) of this Division.

(b) In addition to plan review fees, a Producer or group of Producers participating in a Stewardship Plan shall pay to the Director annual operating fees to be established under subsection (d) of this Sec. 46-115.



(c) A Stewardship Organization may remit fees on behalf of participating Producer(s).

(d) The Director shall set the fees to recover but not exceed actual costs to the County at a rate duly approved by the Board.

Sec. 46-116 - Advisory Committee

(a) There shall be created a Pharmaceutical Disposal Advisory Committee made up of the President of the Cook County Board of Commissioners or his or her designee and six other members appointed by the President. Members of the Advisory Committee shall include:

- (1) The President, or his or her designee; and
- (2) One member of the Cook County Board of Commissioners; and
- (3) The Sheriff, or his or her designee; and
- (4) The Director of the Cook County Department of Environmental Control, or his or her designee; and
- (5) The Chief Operating Officer of the Cook County Department of Public Health, or his or her designee; and
- (6) A member of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, to be appointed by the President of the Board of Commissioners of the Metropolitan Water Reclamation District of Great Chicago.

(b) The Sheriff, or his or her designee, shall serve as the Chairman of the Advisory Committee. The Director shall serve as an ex officio member. The members of the Committee shall serve without pay.

(c) The purpose of the Advisory Committee is to oversee, advise and assist with the promotion and implementation of the Cook County Pharmaceutical Disposal Program. The Advisory Committee may formulate recommendations to bring about improvement in this regard.

(d) The members of the Advisory Committee shall meet quarterly or as designated by the Chairman.

(e) The Advisory Committee with the assistance of the Director shall prepare an annual report describing the work undertaken by the program. The annual report shall be distributed to the Cook County Board of Commissioners, on or before November 1st of each year. The report shall include minutes of meetings of the Advisory Committee over the past year and a description of the types of programs that have been implemented or outsourced.

Sec. 46-116 - Undertaking For the General Welfare.

In adopting and implementing this Division, the County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any Person who claims that such breach proximately caused injury.

Sec. 46-117 - No Conflict with Federal or State Law.

This Division shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Division shall authorize any County agency or department to impose any duties or obligations in conflict with limitations on authority established by State or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this Division to the extent that said enforcement would conflict with any preemptive State or federal legislation subsequently adopted. Nothing in this Division is intended or shall be construed to protect anticompetitive or collusive conduct, or to modify, impair, or supersede the operation of any of the antitrust or unfair competition laws of the State of Illinois or the United States.

Sec. 46-118 - Severability.

If any of the provisions of this Division or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Division are severable.

Sec. 46-119 - Applicability.

Without limitation, this section applies to areas of unincorporated Cook County, to areas owned or operated by Special Districts within unincorporated Cook County, and to areas within municipalities within the County which have not adopted ordinances governing the operation of pharmaceutical stewardship plans within the said municipalities. To the extent a municipality has adopted an ordinance addressing pharmaceutical stewardship plans, or to the extent a municipality adopts an ordinance electing not to be bound by this pharmaceutical stewardship plans, the ordinance of the municipality shall apply, and this section shall not apply, to any areas within the jurisdiction of the municipality.

Effective date: This ordinance shall be in effect one hundred and eighty (180) days from the passage date.

**A motion was made by Commissioner Daley, seconded by Commissioner Arroyo, to accept as substituted 16-1983. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

**PROPOSED SUBSTITUTE ORDINANCE TO ITEM # 16-1983 (10-5-2016)**

**For the 10-5-2016 Meeting of the Legislation and Intergovernmental Relations Committee**

**Sponsored by:** LARRY SUFFREDIN, LUIS ARROYO JR., RICHARD R. BOYKIN, JOHN P. DALEY, BRIDGET GAINER, and PETER N. SILVESTRI, Cook County Commissioners

**AN ORDINANCE GOVERNING THE SAFE DISPOSAL OF PHARMACEUTICALS**

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Pharmaceutical Disposal Program, Sections 46-101 – 46-119 is hereby enacted as follows:

**Sec. 46-101 –Short Title.**

This Division shall be known and may be cited as the Cook County Safe Disposal of Pharmaceuticals Ordinance.

**Sec. 46-102 - Definitions.**

For the purposes of this Division, the following definitions apply:

*Board* means the Board of Commissioners of Cook County, Illinois.

*Collection Plan* means a plan for the collection, transportation and disposal of Unwanted Covered Drugs required under Sec. 46-104 of this Division that is created by the Director.

*County* means Cook County, Illinois.

*County residents* mean human beings residing in the County.

*Collector* means a Person approved by the Director to gather Unwanted Covered Drugs from County residents for the purpose of collection, transportation, and disposal.

*Covered Drug* means a Drug sold, offered for sale or distribution in Cook County in pill, capsule, solid dosage, tablet, suppository, bolus, lozenge, implant, strip, powder and/or pellet form used by County residents, including prescription, nonprescription, brand name and generic drugs. Notwithstanding the previous sentence, “Covered Drug” does not include:

- (1) vitamins or supplements;
- (2) herbal-based remedies and homeopathic drugs, products, or remedies;
- (3) cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. Chapter 9);
- (4) Drugs for which Producers provide a pharmaceutical product collection or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy (21 U.S.C. § 355-1);

(5) Drugs that are biological products as defined by 21 C.F.R. § 600.3(h) as it exists on the effective date of this Division if the Producer already provides a pharmaceutical product collection or take-back program;

(6) medical devices or their component parts or accessories; and

(7) Drugs that are in a cream, elixir, spirit, tincture, syrup, solution, lotion, emulsion, topical, transdermal, aerosol, propellant, valve, actuator, injectable, infusion, irrigation, ointment, suspension, liquid and/or paste form.

The definition of *Covered Drug* shall be inclusive and determined by guidelines issued by the Director with the advice of the Pharmaceutical Disposal Advisory Committee established in Section 46-115.

*Director* means the Director of the Prescription Drug Take Back Program of the Cook County Sheriff's Office, or a duly authorized representative.

*District* means the districts of Cook County as defined in Article II, Section 22-34 of the Code of Ordinances of Cook County, Illinois.

*Drug* means:

(1) any article recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States or any supplement of the formulary or those pharmacopoeias as published by the U.S. Pharmacopoeial Convention and the Homeopathic Pharmacopoeia Convention of the United States;

(2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(3) any substance, other than food, intended to affect the structure or any function of the body of humans or other animals; or

(4) any substance intended for use as a component of any substance specified in (1), (2), or (3) of this definition.

*Drug Wholesaler* means a Person that sells or distributes Drugs and Covered Drugs for resale to an Entity other than a consumer.

*Generic Drug* means a Drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance, characteristics, and intended use though inactive ingredients may vary.

*Mail-back services* means a collection method for the return of Unwanted Covered Drugs from County residents utilizing pre-paid and pre-addressed mailing envelopes.

*Manufacture* means the production, preparation, propagation, compounding, or processing of a Drug but does not include the activities of a Repackager or Drug Wholesaler, or practitioner who, distributes or dispenses such substance or device in the course of his or her professional practice or, prepares, compounds, packages, or labels such substance or device.

*Manufacturer* means a Person engaged in the Manufacture of Drugs.

*Nonprescription Drug* means a Drug that may be lawfully sold without a prescription.

*Person* means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Pharmacy* means a place licensed by the state of Illinois Department of Financial and Professional Regulation engaged in the practice of “Pharmacy,” as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/1 *et. seq.* is conducted. Notwithstanding the previous sentence, *Pharmacy* does not include a Pharmacy dispensing pharmaceuticals exclusively pursuant to an “Inpatient Drug Order” as defined by the Illinois Pharmacy Practice Act, 225 ILCS 85/3 (k).

*Prescription Drug* means any Drug, including any controlled substance that is required by federal or state law or regulation to be dispensed by prescription only or is restricted to use by practitioners only.

*Producer* means a Manufacturer engaged in the Manufacture of a Covered Drug sold in the County, including a brand-name or Generic Drug. Notwithstanding the previous sentence, *Producer* does not include:

- (1) a retailer whose store label appears on a Covered Drug or the drug’s packaging if the Manufacturer from whom the retailer obtains the drug is identified under Sec. 46-104(c) of this Division;
- (2) a Repackager if the Manufacturer from whom the Repackager obtains the Drug is identified under Sec. 46-104(c) of this Division;
- (3) a pharmacist who compounds or repackages a prescribed individual drug product for a consumer; or
- (4) a wholesaler who is not also the Manufacturer.

*Registration* is the informing of the Director of the distribution of Covered Drugs by a Producer in a manner set forth by the Director.

*Registration Fee* is a sum paid by a Producer to cover the cost of the Collection Plan for the protection of the public safety, health and environment.

*Repackager* means a person who owns or operates an establishment that repacks and relabels a product or package for further sale, or for distribution without a further transaction.

*Sheriff* means the Office of the Cook County Sheriff.

*Unwanted Covered Drug* means any Covered Drug that the owner has discarded or intends to discard.

**Sec. 46-103 - Implementation of this Division.**

(a) The Director shall:

- (1) Develop a Collection Plan that is in compliance with this Division, including determining whether a Drug is a Covered Drug as established in accordance with Section Sec. 46-102; and
- (2) Determine the method of collection of Unwanted Covered Drugs as specified under this Division; and
- (3) Determine the total cost of the collection of Unwanted Covered Drugs as specified under this Division.

(b) Producers shall:

- (1) Within 90 days of the passage of this Division register with the Director, in a form mandated by the Director; and
- (2) Pay all registration fees mandated by Section 32-1 of the Cook County Code.

**Sec. 46-104 - Collection Plan – Participation.**

(a) Each Producer shall participate in the Collection Plan and pay a Registration Fee.

(b) By three months after the effective date of this Division, or by three months after a Producer starts sale of a Covered Drug in the County, a Producer must register with the Director in writing of the Producer's intent to participate in the Collection Plan. Within 60 days of a Producer's Registration, the Director shall meet with the Producer in order to formulate a plan to ensure the Producer's compliance with this Division.

(c) By three months after the effective date of this Division, or by three months after a retailer whose label appears on a Covered Drug or the Covered Drug's packaging starts selling the Covered Drug in the County, or by three months after a Covered Drug repackaged by Repackager is first sold in the County, and, thereafter, upon request from the Director, a retailer or Repackager whose label appears on a Covered Drug or the Covered Drug's packaging must provide the contact information of the Manufacturer from whom the retailer or Repackager obtains the Covered Drug, including the telephone number, mailing address and email address of the retailer's or Repackager's point of contact at the Manufacturer.

(d) The Director may, on a case-by-case basis, approve in writing requests for extensions of time for the submission dates and deadlines in this Sec. 46-104.

(e) The Director may audit the records of a Producer.

**Sec. 46-105 - Collection Plan – Components.**

The Director shall take all appropriate actions to design, oversee, manage and implement the Collection Plan. The Collection Plan shall include:

(a) Contact information for all Producers participating in the Collection Plan, including each Drug Producer's name, address, phone number, and email address, and the name, address, phone number, and email address of a human being to whom the Director may direct all inquiries regarding the Producer's participation in the Collection Plan;

(b) A description of the proposed collection system to provide convenient ongoing collection service for all Unwanted Covered Drugs from County residents in compliance with the provisions and requirements in Sec. 46-106, including a list of all collection methods and participating Collectors, a list of drop-off sites, a description of how any periodic collection events will be scheduled and located, a description of how any mail-back services will be provided and an example of the prepaid, preaddressed mailers the plan will use. The description of the collection service shall include a list of Retail Pharmacies and law enforcement agencies contacted by the plan under Sec. 46-106 (b) of this Division, and a list of all Collectors who offered to participate;

(c) A description of the handling and disposal system, including identification of and contact information for Collectors, transporters and waste disposal facilities to be used by the Collection Plan in accordance with Sec. 46-106 and Sec. 46-108 of this Division;

(d) A description of the policies and procedures to be followed by Persons handling Unwanted Covered Drugs collected under the Collection Plan, including a description of how all Collectors, transporters and waste disposal facilities used will ensure that the collected Unwanted Covered Drugs are safely and securely tracked from collection through final disposal, and how all entities participating in the Collection Plan will operate under and comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the United States Drug Enforcement Administration, and how any Pharmacy collection site will operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

(e) A description of a plan for the removal of any patient information on Drug packaging;

(f) A description of the public education effort and promotion strategy required in Sec. 46-107 of this Division, including a copy of standardized instructions for County residents, signage developed for Collectors, and required promotional materials;

(g) Proposed short-term and long-term goals of the Collection Plan for collection amounts, education and promotion; and

(h) A description of how the Collection Plan will consider:

- (1) use of existing providers of waste pharmaceutical services;
- (2) separating Covered Drugs from packaging to the extent possible to reduce transportation and disposal costs; and
- (3) recycling of Drug packaging to the extent feasible.

**Sec. 46-106 - Collection Plan – Collection of Covered Drugs.**

(a) This Section does not require any Person to serve as a Collector in the Collection Plan. A Person may offer to serve as a Collector voluntarily, or may agree to serve as a Collector in exchange for incentives or payment offered by the Director. Collectors may include law enforcement agencies, Pharmacies, mail-back services or other entities, operating in accordance with state and federal

laws and regulations for the handling of Covered Drugs, including but not limited to those of the United States Drug Enforcement Administration, and in compliance with this Division. A Pharmacy collection site shall operate under applicable rules and guidelines of the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.*

(b) The collection system under the Collection Plan shall:

- (1) Provide reasonably convenient and equitable access for County residents in all Districts through drop-off sites. The system of drop-off sites shall provide at least one drop-off site for every 150,000 County residents in each District, distributed to provide reasonably convenient and equitable access, but at no time shall there be less than five drop-off sites per District. If the service convenience goal in this subsection (b)(1) cannot be achieved due to a lack of drop-off sites at pharmacies, law enforcement agencies, or other qualified Collectors in each District, then those areas shall be served through periodic collection events and/or or mail-back services.
- (2) Be safe and secure, including providing for the prompt destruction of patient information on Drug packaging.
- (3) Give preference to having Retail Pharmacies and law enforcement agencies serve as drop-off sites.
- (4) Include, as Collectors, any Pharmacy or any law enforcement agency willing to serve voluntarily as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division within three months of their offer to participate, unless the Collector requests a longer time frame. A Collection Plan may also accept other Collectors willing to serve as a drop-off site for Unwanted Covered Drugs and able to meet the requirements of this Division; and
- (5) At the Director's discretion, make mail-back services available, free of charge, to disabled and homebound County residents upon request through the Collection Plan's toll-free telephone number and web site, and through distribution of prepaid, preaddressed mailers to Persons providing services to such County residents. If implemented by the Director, the toll-free telephone number and web site required by this subsection (b)(5) shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

(c) Drop-off sites shall accept all Covered Drugs from County residents during all hours that the Pharmacy, law enforcement agency, or other Collector is normally open for business with the public. Drop-off sites not operated by a law enforcement agency shall utilize secure collection bins in compliance with all applicable requirements, including but not limited to those of the United States Drug Enforcement Administration and the Safe Pharmaceutical Disposal Act of Illinois, 210 ILCS 150/1, *et. seq.* In the event that the Collection Plan operates a drop-off site at a particular location, each drop-off site must accept all Covered Drugs.

#### **Sec. 46-107 - Collection Plan – Promotion.**

(a) The Director may coordinate with each Producer and develop a single system of promotion. The Director may coordinate with each Producer, or its representative, to secure its participation in the single system of promotion. The system of promotion shall:



- (1) Promote the Collection Plan so that collection options for Covered Drugs are widely understood by County residents, pharmacists, retailers of Covered Drugs and health care practitioners including doctors and other prescribers, veterinarians and veterinary hospitals, and promote the safe storage of Covered Drugs by County residents.
- (2) Coordinate with Producers to include promotion of the Collection Plan on the Producers' marketing and packaging materials and devices.
- (3) Work with Collectors participating in the Collection Plan to develop clear, standardized instructions for County residents on the use of collection bins and a readily-recognizable, consistent design of collection bins.
- (4) Establish a single toll-free telephone number and single web site where collection options and current locations of drop-off sites will be publicized, and prepare educational and outreach materials promoting safe storage of medicines and describing where and how to return Unwanted Covered Drugs to the Collection Plan. These materials must be provided to Pharmacies, health care facilities, veterinary facilities, and other interested parties for dissemination to County residents. Plain language and explanatory images should be used to make use of medicine collection services readily understandable by all County residents, including individuals with limited English proficiency.
- (5) Conduct a biennial survey of County residents and a survey of pharmacists, veterinarians, and health professionals in the County who interact with patients on use of medicines after the first full year of operation of the plans. Survey questions shall measure percent awareness of the Stewardship Plans, assess to what extent drop-off sites and other collection methods are convenient and easy to use, and assess knowledge and attitudes about risks of abuse, poisonings and overdoses from prescription and nonprescription medicines used in the home. Draft survey questions shall be submitted to the Director for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Director and made available to the public on the website required in Sec. 46-107 within 90 days of the end of the survey period. The privacy of all survey respondents shall be maintained.
- (6) Work with the Illinois Poison Center to advertise drop-off sites and other collection opportunities under the Collection Plan.

(b) All surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 16-107 shall be in English, Spanish, Polish, Chinese, Korean, Arabic and Russian.

- (1) The Director shall provide guidance on the development of a single system of promotion.

**Sec. 46-108 - Collection Plan— Disposal of Covered Drugs.**

(a) Covered Drugs collected under the Collection Plan must be disposed of at a permitted hazardous waste disposal facility as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 264 and 265 and/or pursuant to a method permitted by the United States Drug Enforcement Administration under 21 C.F.R. part 1317.95.

(b) The Director may grant approval under the Collection Plan to dispose of some or all collected Covered Drugs at a permitted large municipal waste combustor, as defined by the United States Environmental Protection Agency under 40 C.F.R. parts 60 and 62, if the Director deems the use of a hazardous waste

disposal facility described under subsection (a) of this Sec. 46-108 to be infeasible for the Plan based on cost, logistics or other considerations.

(c) The Director may use final disposal technologies that provide superior environmental and human health protection than provided by the disposal technologies in subsections (a) and (b) of this Section or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas:

- (1) monitoring of any emissions or waste;
- (2) worker health and safety;
- (3) reduction or elimination of air, water or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
- (4) overall impact on the environment and human health.

**Sec. 46-109 –Collection Plan – Administrative and Operational Costs and Fees.**

A Producer participating in the Collection Plan shall pay to the Cook County Department of Revenue an annual registration fee as established under Section 32-1 of the Cook County Code. The Fee shall be set to recover, but not exceed, actual costs to the County of the registration and implementation of the Collection Plan at a rate duly approved by the Board. When setting the annual registration fee, the Board may consider the following:

- (1) Collection and transportation supplies for drop-off sites;
- (2) Acquisition of all secure collection bins for drop-off sites;
- (3) Ongoing maintenance or replacement of secure collection bins, as requested by Collectors;
- (4) Prepaid, preaddressed mailers provided to disabled and/or home-bound County residents;
- (5) Operation of periodic collection events, including costs of law enforcement staff time if necessary;
- (6) Transportation of all collected Covered Drugs to final disposal, including costs of law enforcement escort if necessary;
- (7) Environmentally sound disposal of all collected Covered Drugs under Sec. 46-108 of this Division;
- (8) Creation, promotion and advertisement of the Collection Program;
- (9) Creation, maintenance and operation of the single toll-free telephone number and single web site as established in Section 46-107.

No Person or Producer may charge a point-of-sale fee to consumers or increase the cost of a Covered Drug to recoup the costs of the Collection Plan, nor may they charge a specific point-of-collection fee at the time the Covered Drugs or increase the cost of a Covered Drug are collected.

The Department of Revenue shall establish reasonable procedures for the collection of the annual registration fee, including procedures for appealing the amount of the fee and enforcement actions for nonpayment. All appeals and enforcement actions shall be conducted in accordance with Article IX – Administrative Hearings of the Cook County Code.

All Registration Fees shall be shall deposited into the Pharmaceutical Disposal Program Special Fund, pursuant to Section 46-110 of the Cook County Code.

**Sec. 46-110 – Pharmaceutical Disposal Fund.**

The Comptroller shall create a special fund to be known as the "Pharmaceutical Disposal Fund" which shall be subject to budget and appropriation for purposes related to the funding of the Collection Plan. The Department of Revenue shall collect, account for and transfer any remittals pursuant to Section 46-109 of the Cook County Code into such Fund. The Comptroller shall distribute monies from the Fund after appropriation by the Cook County Board of Commissioners for the purpose of funding the Collection Plan.

**Sec. 46-111 - Collection Plan – Reporting Requirements.**

(a) Within six months after the end of the first 12-month period of operation and annually thereafter, the Director and the Pharmaceutical Disposal Advisory Committee established in Section 46-115 shall submit a report to the Board on behalf of participating Producers describing their plan’s activities during the previous reporting period. The report must include:

- (1) A list of Producers participating in the Collection Plan;
- (2) The amount, by weight, of Covered Drugs collected, including the amount by weight from each collection method used;
- (3) the number and types of Pharmaceuticals being disposed of in the Collection Plan;
- (4) the total cost of the provision of services of the Collection Plan;
- (5) the total amount of fees collected from participating Producers;
- (6) a list of the number, site and type of collection sites established and to be established;
- (7) The number of mailers provided for disabled and/or home-bound County residents;
- (8) The locations where mailers were provided, if applicable;
- (9) The dates and locations of collection events held, if applicable;
- (10) The transporters used and the disposal facility or facilities used for all Covered drugs;
- (11) Whether any safety or security problems occurred during collection, transportation or disposal of Unwanted Covered Drugs during the reporting period and, if so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;

- (12) A description of the public education, outreach and evaluation activities implemented during the reporting period;
- (13) A description of how collected packaging was recycled to the extent feasible, including the recycling facility or facilities used;
- (14) A summary of the Collection Plan's goals, the degree of success in meeting those goals in the past year, and, if any goals have not been met, what effort will be made to achieve the goals in the next year; and
- (15) The total expenditures of the Collection Plan during the reporting period.
- (16) The report may also include a summary of available data on indicators and trends of abuse, poisonings and overdoses from prescription and nonprescription drugs and a review of comprehensive prevention strategies to reduce risks of drug abuse, overdoses, and preventable poisonings.

(b) The Director shall make reports submitted under this Section available to the public.

(c) For the purposes of this Sec. 46-111, "reporting period" means the period from January 1 through December 31 of the same calendar year, unless otherwise specified to the plan operator by the Director.

#### **Sec. 46-112- Change of Collection Plan**

The Director may change the Collection Plan or substantively alter plan operations, including, but not limited to, changes to participating Manufacturers, collection methods, policies and procedures for handling Unwanted Covered Drugs, or education and promotion methods or disposal facilities. The Director must provide timely notice to all Producers before changing the Collection Plan.

#### **Sec. 46-113 - Collection Plan – Enforcement and Penalties.**

(a) The Director shall administer the penalty provisions of this Division.

(b) If the Director makes findings and determines that any Person has violated this Division or a regulation adopted pursuant to this Division, the Director shall send a written warning, as well as a copy of this Division and any regulations adopted pursuant to this Division, to the Person or Persons who violated it. The Person or Persons shall have 30 days after receipt of the warning to come into compliance and correct all violations.

(c) If the Person or Persons fail to come into compliance or correct all violations, the Director may impose administrative fines for violations of this Division or of any regulation adopted pursuant to this Division.

(1) Upon findings made under subsection (b), the Person or Persons shall be subject to an administrative fine as follows:

- a. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- b. A fine not exceeding two hundred dollars (\$200.00) for a second violation;

c. A fine not exceeding five hundred dollars (\$500.00) for the third violation and each subsequent violation.

(2) Each day a violation continues constitutes a separate violation.

(3) Fine Procedures. Notice of the fine shall be served on the Person or Persons. The notice shall contain an advisement of the right to request a hearing in the Cook County Department of Administrative Hearings. Hearings on violations shall be conducted in accordance with Article IX. – Administrative Hearings of the Cook County Code of Ordinances. Payments for fines shall be deposited into the Pharmaceutical Disposal Fund established pursuant to Section 46-110.

(4) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director or his or her designee after the hearing, the Director may use any lawful means for collecting the fine, including instituting an action in any court of proper jurisdiction.

(d) The Director may bring a civil action to enjoin violations of or compel compliance with any requirement of this Division or any rule or regulation adopted pursuant to this Division, as well as for payment of civil penalties and any other appropriate remedy.

(e) Any Person who knowingly and willfully violates the requirements of this Division or any rule or regulation adopted pursuant to this Division is punishable by a fine of not less than fifty dollars (\$50) and not more than five hundred (\$500) for each day per violation.

(f) In determining the appropriate penalties, the court or the Director shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

(g) No civil or administrative action under this Sec. 46-113 may be brought more than four years after the date of the alleged violation.

#### **Sec. 46-114 –Collection Plan – Rules and Performance Standards**

(a) The Director, may adopt rules and regulations as necessary to implement, administer, and enforce this Division.

(b) The Director may work with the Producers and/or the Pharmaceutical Disposal Advisory Committee as established in Section 46-115 to define goals for collection amounts, education, and promotion of the Collection Plan.

#### **Sec. 46-115– Pharmaceutical Disposal Advisory Committee**

(a) There shall be created a Pharmaceutical Disposal Advisory Committee made up of the President of the Cook County Board of Commissioners or his or her designee and five other members appointed by the President. Members of the Advisory Committee shall include:

(1) The President, or his or her designee; and

(2) One member of the Cook County Board of Commissioners; and

- (3) The Sheriff, or his or her designee; and
- (4) The Director of the Cook County Department of Environmental Control, or his or her designee; and
- (5) The Chief Operating Officer of the Cook County Department of Public Health, or his or her designee; and
- (6) A member of the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, to be appointed by the President of the Board of Commissioners of the Metropolitan Water Reclamation District of Great Chicago.

(b) The Sheriff, or his or her designee, shall serve as the Chairman of the Advisory Committee. The Director shall serve as an ex officio member. The members of the Committee shall serve without pay.

(c) The purpose of the Advisory Committee is to oversee, advise and assist with the promotion and implementation of this Division. The Advisory Committee may formulate recommendations to bring about improvement in this regard.

(d) The members of the Advisory Committee shall meet quarterly or as designated by the Chairman.

(e) The Advisory Committee with the assistance of the Director shall prepare an annual report describing the work undertaken by the program pursuant to Section 46-111. The report shall include minutes of meetings of the Advisory Committee over the past year, a description of the types of programs that have been implemented or outsourced and the total cost of the Stewardship Program.

**Sec. 46-116 - Undertaking For the General Welfare.**

In adopting and implementing this Division, the County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any Person who claims that such breach proximately caused injury.

**Sec. 46-117– No Conflict with Federal or State Law.**

This Division shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Division shall authorize any County agency or department to impose any duties or obligations in conflict with limitations on authority established by State or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this Division to the extent that said enforcement would conflict with any preemptive State or federal legislation subsequently adopted. Nothing in this Division is intended or shall be construed to protect anticompetitive or collusive conduct, or to modify, impair, or supersede the operation of any of the antitrust or unfair competition laws of the State of Illinois or the United States.

**Sec. 46-118 – Severability.**

If any of the provisions of this Division or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Division are severable.

**Sec. 46-119 – Applicability.**

Without limitation, this section applies to areas of unincorporated Cook County, to areas owned or operated by Special Districts within unincorporated Cook County, and to areas within municipalities within the County which have not adopted ordinances governing the operation of pharmaceutical stewardship plans within the said municipalities. To the extent a municipality has adopted an ordinance addressing pharmaceutical stewardship plans, or to the extent a municipality adopts an ordinance electing not to be bound by this pharmaceutical stewardship plans, the ordinance of the municipality shall apply, and this section shall not apply, to any areas within the jurisdiction of the municipality.

**Effective date:** Sections 46-101 through 46-112 and 46-114 through 46-119 shall be in effect January 1, 2017. Section 46-113 shall be in effect January 1, 2018.

**NOW, THEREFORE, BE IT FURTHER ORDAINED,** by the Cook County Board of Commissioners that Chapter 32 – Fees, Section 32-1 is hereby amended as follows:

**Sec. 32-1. - Fee schedule.**

The fees or charges provided for or required by the below-listed sections shall be as shown below:

...

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 46, Law Enforcement</b>		
46-3(2)	Jail cost reimbursement for each conviction or orders of supervision for a criminal violation other than a petty or business offense	10.00
46-31(a)	Merit system application and examination fee	25.00
46-36(b)	Fee for participation in the Youthful Offender Alcohol and Other Drug Education Program	5.00
46-109	Pharmaceutical Collection Registration Fee	250.00

...

**Effective date:** This ordinance shall be in effect January 1, 2018.

**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to recommend for deferral as amended 16-1983. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

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### **SUPPLEMENTAL AGENDA**

**A motion was made by Commissioner Daley, seconded by Commissioner Steele, to suspend the rules to consider the supplemental agenda. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

**16-5326**

#### **PROPOSED ORDINANCE AMENDMENT**

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

#### **AMENDING THE CODE OF ETHICAL CONDUCT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that CHAPTER 2. Administration, ARTICLE VII. Ethics, DIVISION 2. Code of Ethical Conduct, Subdivisions I through VI, Sections 2-560 through 2-614 of the Cook County Code is hereby amended as Follows:

#### **ARTICLE VII. - ETHICS**

#### **DIVISION 2. - CODE OF ETHICAL CONDUCT**

#### **Subdivision I. - In General**

#### **Sec. 2-560. - Short title.**

This division shall be known and may be cited as the "Cook County Ethics Ordinance."

#### **Sec. 2-561. – Purpose.**

(a) The purpose of this division is to establish the code of conduct for every Official, Board or Commission Appointee, and Employee of the County. All Officials, Board or Commission Appointees, and Employees of the County shall:



- (1) Owe a fiduciary duty to the County;
  - (2) Treat members of the public with respect and be responsive and forthcoming in meeting their requests for information;
  - (3) Protect the County's interests when contracting for outside services;
  - (4) Put forth honest effort in the performance of their duties;
  - (5) Conduct business on behalf of the County in a financially responsible manner;
  - (6) Protect and conserve County property and assets, and use County property and assets for authorized purposes or activities;
  - (7) Adhere to all applicable laws and regulations; and
  - (8) Report any violations, suspected violations, or other misconduct under this article to the Board of Ethics in a timely manner.
- (b) This division is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the County, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Sec. 2-5612. - 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:

*Absolutely necessary* means that another means of identification, such as employee identification number, cannot be substituted for the social security number without frustrating the purpose of the request.

*Agency* means the County Board, any committee or other subdivision thereof, any County department or other administrative unit, commission, board or other division of the government of the County.

*Board or Commission Appointee* means all individuals appointed by the President to any Boards or Commissions created by State Statute or County Ordinance that require the approval, confirmation or advice and consent of the County Board.

*Board or Commission* means any Board or Commission created under County Ordinance or State Statute whose members are appointed by the President subject to the approval, confirmation or advice and consent of the County Board.

*Board of Ethics* means the County Board of Ethics, as defined in Section 2-591.

*Campaign for elective office* means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

*Candidate* means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money in pursuit of elected office.

*Collective bargaining* has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 5/1-3).

*Compensated time* means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period when the employee is on a leave of absence.

*Compensation* means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

*Compensatory time off* means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

*Confidential Information* means any information that may be exempt from disclosure under the Illinois Freedom of Information Act, codified at 5 ILCS 140/1, et. Seq or required to be held confidential by agreement.

*Contract management authority* means personal involvement in or direct supervisory responsibility for the formation or execution of a County contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

*Contribution* has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

*County* means the County and all government agencies of the County.

*Done Business or Doing Business* means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 during the previous four years.

*Economic interest* means any interest valued or capable of valuation in monetary terms; provided that economic interest is subject to the same exclusion as financial interest.

*Employee* means an individual employed by the County whether part-time or full-time or by a contract of employment. The term "employee" shall include individuals employed by County Officers as referenced in Article VII, Section 4 of the Illinois Constitution. The term "employee" shall not include judges of election.

*Familial relationship* shall mean a person who is related to an official, employee, board or commissioner appointee as spouse or any of the following, whether by blood, marriage or adoption: as parent, father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the official's, employee's, board or commission appointee's spouse, domestic partner, civil union partner, parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

*Financial interest* means any of the following:

- (1) Any interest as a result of which the owner currently received or is entitled to receive in the future more than ~~\$1,200.00~~ ~~\$2,500.00~~ per year.
- (2) Any interest with a cost or present value of \$5,000.00 or more.
- (3) Any interest representing more than ten percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit;

provided, however, the term "financial interest" shall not include any of the following:

- a. Any ownership through purchase at fair market value of inheritance of less than one percent of the shares of a corporation, or any value of or dividends of such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.);
- b. The authorized compensation paid to an official or employee for his or her office or employment, or the authorized compensation paid to a board or commission appointee for his or her office or employment;
- c. Any economic benefit provided equally to all residents of the County;
- d. A time or demand deposit in a financial institution;
- e. An endowment or insurance policy or annuity contract purchased from an insurance company;
- f. Any accrued pension rights in the County fund; or
- g. With respect to a mutual fund, the individual securities of other instruments owned by the mutual fund.

*Gift* means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an official, board or commission appointee or employee that is given without fair-market consideration. Gifts shall exclude:

- (1) Anything for which the official, board or commission appointee or employee or his or her spouse, domestic partner, civil union partner or immediate family member living with him or her pays the market value;
- (2) Any opportunities, benefits, or services that are available to an official, board or commission appointee or employee or his or her spouse, domestic partner, civil union partner or immediate family member living with him or her on the same terms and conditions as the general public; and
- (3) Any contribution that is lawfully made and reported under the Election Code or under this article associated with political fundraising for a political organization, political committee, or candidate for elected office.

*Leave of absence* means any period during which an employee does not receive compensation for employment, service credit towards pension benefits, and health insurance benefits paid for by the employer.

*Legislative action* means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or nonaction on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the County Board or any committee or subcommittee thereof.

*Official* means any elected County official (or appointed official, regardless of whether the official is compensated).

*Person* means any individual, entity, corporation, partnership, firm, association, organization, unincorporated organization, company, recipient of County funds, union, trust, trustee, legal representative, legal entity, estate, as well as any ~~parent or subsidiary~~ corporate affiliate of any of the foregoing, and whether or not operated for profit. *Political activity* means any activity in support of or in connection with any campaign for elective office or any political organization or political committee, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; if in furtherance of the person's official duties, relating to ~~collective~~ bargaining; or that are otherwise in furtherance of the person's official duties.

*Political fundraising committee* ~~incorporates the definition of that that term as it appears in the Illinois Election Code, 10 ILCS 5/9-1.8(a).~~, ~~means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.~~

*Political organization* means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9.3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

*Prohibited political activity means:*

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes or for or against any referendum question.
- (6) Assisting at the polls ~~on election day~~ on behalf of any political organization, political committee or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or political committee or for or against any referendum questions or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum ~~question unless the referendum question is supported by the Cook County Board of Commissioners by Resolution or Ordinance.~~
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

*Prohibited source* means any person or entity who:

- (1) Is seeking official action:
  - a. By the official, board or commission appointee; or
  - b. In the case of an employee, by the employee or by the official, County agency, board or commission or other employee directing the employee.
- (2) Does business or seeks to do business:
  - a. With the official, board or commission appointee; or
  - b. In the case of an employee, with the employee or with the official, County agency, board or commission or other employee directing the employee.
- (3) Conducts activities regulated:
  - a. By the official, board or commission appointee; or
  - b. In the case of an employee, by the official, County agency, board or commission or other employee directing the employee.
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the official, board or commission appointee or employee; or
- (5) Is registered or required to be registered with the County pursuant to the Cook County Lobbyist Ordinance, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

*Publicly post* or *publicly display* means to intentionally communicate or otherwise intentionally make available to the general public.

*Relative*, meaning those people related to the, official, employee or board or commission appointee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the official's, employee's, board or commission appointee's spouse, domestic partner, or civil union partner.

*Seeking to do business* means means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County. This includes responding to a request for qualifications, joining a pool of pre-qualified vendors or any similar procurement vehicle. The presumption that such a person is "seeking to do business" will last for the same duration as any RFQ, pre-qualified pool or similar procurement vehicle remains valid for all qualified respondents.

*Single candidacy* means the time period during which a candidate is seeking office with primary election and general election being separate candidacies.

*Statement* means the disclosure of economic interest form required to be filed by the Illinois Governmental Ethics Act (5 ILCS 420/4A-101 et seq.).

**Sec. 2-5623. – Applicability.**

This Ordinance shall apply to all officials, board or commission appointees and employees of Cook County, as defined in Section 2-561. Board or commission appointees must agree to adhere to the Cook County Ethics Ordinance in order to be eligible for appointment to any board or commission as defined in Section 2-561. This Article shall further apply where applicable to persons doing business, seeking to do business or who have done business with Cook County, prohibited sources and candidates for County office.

**Subdivision II. - Code of Ethical Conduct**

**Sec. 2-571. – Fiduciary duty.**

(a) Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the County. Board or commission appointees appointed under County Ordinance owe a fiduciary duty to the County in the performance of their public duties and appointed board or commission appointees appointed under State Statute owe a fiduciary duty to the members of the public for which they have been appointed to serve.

(b) The fiduciary duty owed by officials, Board or commission appointees and employees shall include the following duties:

- (1) Avoid the appearance of impropriety;
- (2) Comply with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation;
- (3) Conserve County property and assets and avoid their wasteful use;
- (4) Conduct business on behalf of the County in a financially responsible manner;
- (5) Protect the County's best interests when contracting for outside services; and
- (6) Report any violations, suspected violations, or other misconduct under this article to the Board of Ethics in a timely manner.

**Sec. 2-572. - Improper influence.**

(a) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action in which the official or employee knows, has reason to know or should know that the official or employee has any economic interest distinguishable from that of the general public of the County.

(b) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action, including decisions or actions on any Cook County Board Agenda Item, in exchange for or in consideration of the employment of said official's or employee's relatives, domestic partner or civil union partner by any other official or employee.

(c) No board or commission appointee shall make, participate in making or in any way attempt to use his or her official position to influence any decision or action by the Board or Commission to which they are

appointed in which the board or commission appointee knows, has reason to know or should know that the board or commission appointee has any economic interest distinguishable from that of the general public served by the board or commission to which they are appointed.

**Sec. 2-573. - Dual employment.**

(a) No official or employee shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.

(b) No official or employee shall accept other employment which will impair his or her ability to perform County duties and responsibilities.

(c) The Ethics Director and Chief of the Bureau of Human Resources shall be authorized to promulgate rules regarding dual employment; said rules shall be applicable to all offices and agencies under the jurisdiction of the Ethics Ordinance. Any deviation from said rules shall be approved by the Ethics Director.

**Sec. 2-574. - Receiving and soliciting gifts and favors.**

(a) *Gift ban.* Except as otherwise provided in this division, no official, board or commission appointee or employee shall intentionally solicit or knowingly accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation or any County ordinance, rule or regulation. This ban applies to and includes spouse, domestic partners, civil union partners of, and immediate family living with the official, board or commission appointee or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(b) *Exceptions.* The restriction in Subsection (a) of this Section does not apply to the following:

~~(1) *Opportunities, benefits, and services.* Opportunities, benefits, and services that are available on the same conditions as for the general public.~~

~~(2) *Market value paid.* Anything for which the official, board or commission appointee or employee or his or her spouse domestic partner, civil union partner or immediate family member living with him or her pays the market value.~~

~~(3) *Lawful contribution, fundraising event.* Any contribution that is lawfully made under the Election Code or under this article or activities associated with a fundraising event in support of a political organization or candidate.~~

(41) *Educational materials, training, conferences and missions.* This exception may be further defined by rules adopted by the Board of Ethics.

(52) *Travel expenses for a meeting to discuss County or Board or Commission business.* This exception may be further defined by rules adopted by the Board of Ethics.

(63) *Gift from relative.* A gift from a prohibited source who is also a relative of the recipient official, board or commission appointee or employee or his or her spouse or immediate family member living with him or her. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father in law, mother in law, son in law, daughter in law, brother in law, sister in law, stepfather, stepmother,



~~stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse, and the individual's fiancé or fiancée.~~

(74) *Gift on basis of personal friendship.* A gift from a prohibited source who is also a personal friend of the recipient official, board or commission appointee or employee or his or her spouse or immediate family member living with him or her, ~~Anything~~ provided by ~~that an~~ individual on the basis of ~~the a~~ personal friendship unless the official, board or commission appointee or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the official, board or commission appointee or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, ~~the official, board or commission appointee or employee~~ Board of Ethics shall consider the circumstances under which the gift was offered, such as:

- a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals, particularly the history of the relationship pre-dating the official position or employment of the official, board or commission appointee or employee;
- b. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
- c. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift also at the same time gave the same or similar gifts to other officials or employees or their spouses, domestic partners, civil union partners or immediate family members living with them.

(85) *Food or refreshments not exceeding \$75.00 per person.* Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(96) *Food, refreshments, lodging, transportation, etc., from outside employment.* Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the official, board or commission appointee or employee as an office holder or employee) of the official, board or commission appointee or employee, or the spouse, domestic partner, or civil union partner of the official, board or commission appointee or employee, if the benefits have not been offered or enhanced because of the official position or employment of the official, board or commission appointee or employee, and are customarily provided to others in similar circumstances.

(107) *Intra-governmental and inter-governmental gifts.* For the purpose of this article "intra-governmental gift" means any gift given to an official or employee of a County agency or board or commission appointee from another official or employee of the same County agency or board or commission; and "inter-governmental gift" means any gift given to an official, board or commission appointee or employee of a County agency or department by an official, board or commission appointee or employee of another County agency or department, of a State of Illinois agency, of a Federal agency, or of any governmental entity.

~~(118)~~ *Bequests.* Bequests, inheritances, and other transfers at death.

~~(129)~~ *Items valued at less than \$100.00.* Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this subsection is ~~mutually exclusive and~~ independent of one another.

(c) An official, board or commission appointee or employee does not violate this article if the official, board or commission appointee or employee promptly takes reasonable action (within 30 days of receipt) to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(d) Gifts which have a value of greater than \$100.00 (or a series of gifts with an aggregate value of greater than \$100.00 from one prohibited source during any calendar year ~~12-month period~~) received by any official, board or commission appointee or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift. This requirement applies with equal force to gifts that are excepted from the restriction in Subsection (a) of this section and gifts for which an official, board or commission appointee or employee has taken an action under Subsection (c) of this section in order to remain compliant with Subsection (a).

(e) Any and all gifts having a value greater than \$100.00 and received by an official, board or commission appointee or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her County employment shall be disclosed to the Board of Ethics within ten business days of receipt.

#### **Sec. 2-576. - County-owned property.**

No official, board or commission appointee or employee shall engage in or permit the unauthorized use of property that is owned or leased by the County or the Board or Commission to which they are appointed. Such property shall only be used for official County or Board or Commission business.

#### **Sec. 2-577. - Use or disclosure of confidential information.**

No official, board or commission appointee or employee shall use or disclose confidential information gained in the course of or by reason of his or her position or employment, other than:

- (1) In the performance of his or her official duties;
- (2) As may be required by law; or
- (3) As permitted in Section 2-584 or other whistleblower law. ~~For purposes of this subsection, the term "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.~~

**Sec. 2-578. - Conflicts of interest.**

(a) No official or employee shall make, or participate in making, any County governmental decision and no board or commission appointee shall make, or participate in making, any board or commission decision with respect to any matter in which the official, board or commission appointee or employee, or the spouse, or dependent, domestic partner or civil union partner of the official or employee, has any economic interest distinguishable from that of the general public. For purposes of this Section, the term "dependent" shall have the same meaning as provided in the U.S. Internal Revenue Code, as amended.

(b) Any employee who has a conflict of interest as described by Subsection (a) of this Section shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either:

- (1) Assign the matter to another employee; or
- (2) Require the employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the employee continue to participate in the matter.

(c) Any official, board or commission appointee or employee who has a conflict of interest as described by Subsection (a) of this Section shall disclose the conflict of interest in writing the nature and extent of the interest to the Cook County Board of Ethics as soon as the employee, board or commission appointee or official becomes aware of such conflict and shall not take any action or make any decisions regarding that particular matter. A Cook County Board Commissioner shall vote present on any matter in which they may have a conflict of interest ~~publicly disclose the nature and interest of such interest on the report of proceedings of the Cook County Board of Commissioners,~~ and shall also notify the Cook County Board of Ethics of such interest within ~~24~~72 hours of introduction of any ordinance, resolution, contract, order or other matter before the Cook County Board of Commissioners, or as soon thereafter as the Commissioner is or should be aware of such conflict of interest. The Board of Ethics shall make all disclosures available for public inspection and copying immediately upon request.

**Sec. 2-579. - Representation of other persons.**

(a) No elected official or employee may represent, or have an economic interest in the representation of any person other than the County in a formal or informal proceeding or transaction before any County agency in which the agency's action or nonaction is of a nonministerial nature and no board or commission appointee may represent, or have an economic interest in the representation of any person other than the board or commission in a formal or informal proceeding or transaction before said board or commission to which the board or commission appointee is a party in which the board or commission's action or nonaction is of a nonministerial nature.

(b) No elected official or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the County is a party and that person's interest is directly adverse to that of the County and no board or commission appointee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which said board or commission to which the board or commission appointee is a party and that person's interest is directly adverse to that of the board or commission.

(c) No appointed official may represent any person in the circumstances described in Subsection (a) or (b) of this Section unless the matter is wholly unrelated to the appointed official's County duties

and responsibilities and no board or commission appointee may represent any person in the circumstances described in Subsection (a) or (b) of this Section unless the matter is wholly unrelated to the board or commission appointee's duties and responsibilities.

(d) For purposes of this Section, the term "economic interest" shall not include the interest of the spouse, domestic partner or civil union partner of an official, board or commission appointee or employee which interest is related to the independent occupation, profession or employment of the spouse, domestic partner, or civil union partner.

**Sec. 2-580. - Post-employment restrictions.**

(a) No former official or employee shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former official or employee shall assist or represent any person in any business transaction involving the County, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.

(c) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of County employment and on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$10,000.00 ~~25,000.00~~ to a ~~the person or entity, or its parent or subsidiary.~~

(d) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly and for compensation lobby any County official or employee on behalf of any other entity.

(e) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, contract with the County to provide more than \$5,000 in compensated professional services to the County or otherwise receive more than \$5,000 in compensation for his or her labor from the County.

(f) The requirements of this Section may be ~~shall not be~~ waived by the Board of Ethics upon a showing by the former official or employee that such waiver would not result in a conflict of interest, disclosure of the County's confidential information or the appearance of impropriety. Additional requirements for waiver may be further defined by rules adopted by the Board of Ethics.as authorized.

(fg) This Section applies only to persons who terminate an affected position on or after the effective date of this article.

**Sec. 2-581. - Interest in county business or board or commission business.**

(a) No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County, or in the case of a board or commission appointee in any contract, work or business of the board or commission to which they are appointed or that which the board or commission approves. No elected official or employee shall have

a financial interest in his or her own name or in the name of any other person in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County, or in the case of a board or commission appointee in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the board or commission to which they are appointed. Compensation for property taken pursuant to the County's eminent domain power shall not constitute a financial interest within the meaning of this Section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that:

- (1) Belongs to the County;
- (2) Is sold for taxes or assessments; or
- (3) Is sold by virtue of legal process at the suit of the County.

(b) No appointed official shall engage in a transaction described in Subsection (a) of this Section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities and no board or commission appointee shall engage in a transaction described in Subsection (a) of this Section unless the matter is wholly unrelated to the board or commission appointee's board or commission duties and responsibilities.

(c) For purposes of this Section, the term "financial interest" shall not include the interest of the spouse, domestic partner, or civil union partner of an official or employee which interest is related to the independent occupation, profession or employment of the spouse, domestic partner, or civil union partner.

**Sec. 2-582. - Employment of relatives.**

(a) No official, board or commission appointee or employee shall participate in a hiring decision, or shall employ or advocate for employment, in any agency over which such official, board or commission appointee or employee either serves or over which he or she exercises authority, supervision or control, any person who is a relative ~~or domestic partner~~ of said official or employee, or in exchange for or in consideration of the employment of any said official's or employee's relatives ~~or domestic partners~~, by any other official, board or commission appointee or employee.

(b) No official or employee, on behalf of any County agency, shall participate in a decision whether to contract with any person with whom or in which the official or employee knows that a relative ~~domestic partner or civil union partner~~ of that official or employee has a financial interest. No official or employee shall exercise contract management authority where any relative ~~or domestic partner~~ of the official or employee is employed by or has contracts with persons doing County work over which the County official or employee has or exercises contract management authority. No board or commission appointee, on behalf of the board or commission to which they are appointed, shall participate in a decision whether to contract with any person with whom or in which the board or commission appointee knows that a relative ~~domestic partner or civil union partner~~ of that board or commission appointee has a financial interest. No board or commission appointee shall exercise contract management authority where any relative ~~or domestic partner~~ of the board or commission appointee is employed by or has contracts with persons doing board or commission work over which the board or commission appointee has or exercises contract management authority.

(c) Any person or persons doing business with the County shall be required, upon execution of a contract with the County of Cook, to disclose to the Board of Ethics the existence of familial relationships they may have with all persons, defined as a relative in Section 2-562, holding an elected office associated with the County of Cook, i.e., Cook County Commissioner, Cook County Board President, Cook County Sheriff, Cook County State's Attorney, Cook County Assessor, Cook County Clerk, Cook County Clerk of the Circuit Court, Cook County Recorder of Deeds, Cook County Treasurer, Cook County Board of Review, and Cook County State's Attorney. ~~as defined in subsection (e), holding elective office in the State of Illinois, the County of Cook, or in any municipality within the County of Cook.~~ In the event that a business entity is contracted to do business with the County of Cook, the disclosure shall apply to the following persons who are employed by the business entity or who were employed by the business entity during the 12-month period immediately preceding the date of the contract:

- (1) All persons who are designated as the entity's board of directors;
- (2) All officers of the business entity;
- (3) All persons who are responsible for the general administration or operation of the entity;
- (4) All agents who are duly authorized to execute documents related to Cook County business on behalf of the business entity;
- (5) All employees who are directly engaged in contractual work with the County on behalf of the business entity.

~~(d) For purposes of Subsection (e), doing business means any one or any combination of leases, contracts or purchases to or with the County or any County agency in excess of \$25,000.00 in any calendar year.~~

~~(e) All persons registered as a lobbyist with the County of Cook shall be required, upon filing with the Cook County Clerk, to disclose to the Board of Ethics the existence of familial relationships they may have with all persons, as defined as a relative in Section 2-562 Subsection (f), holding an elected office associated with the County of Cook, i.e., Cook County Commissioner, Cook County Board President, Cook County Sheriff, Cook County State's Attorney, Cook County Assessor, Cook County Clerk, Cook County Clerk of the Circuit Court, Cook County Recorder of Deeds, Cook County Treasurer, and Cook County Board of Review Commissioner.~~ elective office in the State of Illinois, the County of Cook, or in any municipality in the County of Cook.

~~(f) For purposes of this Section, relative or familial relationship shall mean a person who is related to an official or employee as spouse or any of the following, whether by blood, marriage or adoption: domestic partner, civil union partner, parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father in law, mother in law, son in law, daughter in law, brother in law, sister in law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. For~~

~~(g) The disclosure required by this Section shall be filed by January 1 of each calendar year or within 30 days of the execution of any contract or lease.~~

~~(h) Any person or business entity who is doing business with the county in accordance with Subsection (d), at the time this Ordinance is passed shall be required to file such disclosure no later than 60 days after the effective date of this Section.~~

(ig) In addition to other penalties provided in this division, any person filing a late disclosure statement under this Section shall be assessed a late ~~penalty filing fee as set out in Section 32-1~~ in the amount of \$100.00 per day the disclosure is late, payable to the Cook County Board of Ethics upon filing. Any person filing an annual late disclosure statement after January 31 shall be subject to the late penalty, a penalty of \$100.00 per day after January 31 that the disclosure is late, payable to the Cook County Board of Ethics upon filing.

(ji) In addition to the penalties provided for in subsection (h) of this Section, any person or business entity convicted of a violation of any provision of this division ~~may be~~ is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook. Any person or business entity who is found ~~guilty of by the Board of Ethics to~~ have knowingly or willfully ~~filing~~ filed a false, misleading or incomplete disclosure shall be prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook.

(kj) The Cook County Board of Ethics is hereby authorized to promulgate rules and procedures for the reporting and enforcement of this Section, including the designation of a disclosure form to be used by all persons required to file under this Section.

### **Sec. 2-583. - Political activity.**

(a) No official, board or commission appointee or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official, board or commission appointee shall directly solicit any political contribution from his or her employees, the spouses, domestic partners or civil union partners of or immediate family living with his or her employees. Nothing in this subsection shall be construed to prevent any official, board or commission appointee or employee from voluntarily making a contribution or from receiving a voluntary contribution.

(b) No employee with contract management authority or board or commission appointee of a County official whose board or commission appointment provides for compensation and requires confirmation by the Cook County Board of Commissioners shall serve on the political ~~fundraising~~ committee of any elected official or candidate for County office.

(c) County employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). County employees or officials shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization or political committee.

(d) At no time shall any official or employee intentionally misappropriate the services of any County employee and at no time shall any board or commission appointee misappropriate the services of any board or commission employee by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties or in the case of a board or commission, as part of that employee's board or commission duties;
- (2) As a condition of County employment or in the case of a board or commission, as a condition of board or commission employment; or during any time off that is compensated by the County or board or commission (such as vacation, personal, or compensatory time off).

(e) A County employee or board or commission appointee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) A County employee or board or commission appointee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(g) Nothing in this Section prohibits activities that are otherwise appropriate for a County employee or board or commission appointee to engage in on a voluntary basis as permitted by law.

**Sec. 2-584. - Whistleblower protection.**

(a) No complainant, or employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or privileges of employment because:

(1)The complainant or employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this Ordinance; or

(2)The complainant or employee acting on behalf of the complainant is requested to participate in an investigation, hearing or inquiry held pursuant to this Ordinance, or in any related court action.

(b) This Section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

**Sec. 2-585. - Limitations of contributions to candidates and elected officials.**

(a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et seq., when making contributions to any of the following elected officials or candidates for such office: County Board President; Cook County Commissioner; Cook County State's Attorney; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Sheriff, Cook County Clerk; and Cook County Recorder of Deeds except as otherwise provided in Section 2-585.

(b) No person who does business with the County or who has done business with the County within the preceding four years; or is seeking to do business with the County; or is a person required to register as a lobbyist with the County; or who has sought official action by the County within the preceding four years, or is an officer, director or partner of a firm, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond and directly working on said bond transaction; or firm, officers, directors or partners, contracted by the County to provide financial audits of County finances and directly working on said contract shall make contributions in an aggregate amount exceeding \$750.00:

(1)To any candidate for County office or elected County official during a single candidacy; or

(2)To any elected official of the government of the County during any nonelection year of his or her term.



(3) To any local, state, or federal ~~campaign political~~ committee that is ~~controlled by~~, or established in support of, a specific candidate for County office or an elected County official. The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this Section, is from January 1 to December 31 of each year.

(c) For purposes of Subsection (b) of this Section, an entity and its subsidiaries, parent company or otherwise affiliated companies (including a separate segregated fund of an entity, as that term is described in 52 U.S.C. § 30118(b)), ~~and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates~~ shall be considered a single person. The political contributions of an entity's employees, officers, directors, and/or partners for which they are reimbursed by the entity or its affiliates shall also be considered those of a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated. ~~Even if that person has made the maximum contribution allowed under Subsection (b) of this Section.~~

(d) Effective October 2, 2013, no Board or commission appointee of a County official whose board or commission appointment provides for compensation and requires confirmation by the Cook County Board of Commissioners shall make contributions in an aggregate amount exceeding \$750.00:

(1) To the appointing County official or the Members of the Cook County Board of Commissioners during a single candidacy; or

(2) To the appointing County official or the Members of the Cook County Board of Commissioners during any nonelection year of his or her term.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this Section, is from January 1 to December 31 of each year.

(e) Any contributions made under this Section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(f) ~~For purposes of Subsection (b) of this Section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years.~~

(g) ~~For purposes of Subsection (b) of this Section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (f) of this Section.~~

(h) ~~Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of County finances and directly working on said contract are prohibited from making campaign contributions to any County official or candidate for County office.~~

(i) ~~Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of~~

~~any bond is prohibited from making campaign contributions to any County official or candidate for County office.~~

(j) Any candidate for any County office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this Section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this Section and subject to fines under Section 2-602(d).

**Sec. 2-586. - Newsletters, brochures, public service announcements, and promotional materials.**

(a) County funds and resources may not be used by any elected County official to print, ~~or pay for~~ the printing of, or mail any newsletters or brochures during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election if the elected County official is a candidate in such primary or general election. A County elected official may not mail, during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election, any newsletters or brochures that were printed at any time using County funds or resources if the elected County official is a candidate in such primary or general election.

(b) This Section shall not apply to any informational brochures that are solely related to and accompany any mailing of a property tax bill, notice of property tax assessment, or notice of voter registration or polling place information, or to a brochure mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.

(c) No public service announcement or advertisement that is on behalf of any County administered program and contains the proper name, image, or voice of any elected County official shall be broadcast or aired on radio or television or printed in a commercial newspaper or commercial magazine at any time on or after the date that the elected County official files nominating papers for any elected office, and ending the day after such general election if the elected County official is a candidate in such primary or general election. ~~for any time thereafter that the elected County official remains a candidate for any office.~~ This Section shall not apply to any information available or posted by the County or any elected County official on any Cook County owned website or County owned social media account.

(d) The proper name or image of any elected official may not appear on any promotional materials or items if designed, paid for, produced, and/or distributed with public funds or resources, including but not limited to:

- (1) Bumper stickers;
- (2) Commercial billboards;
- (3) Lapel pins or buttons;
- (4) Magnets;

(5) Sports teams;

(6) Items of clothing or apparel or

(57) ~~Stickers, if designed, paid for, produced, and/or distributed with public funds.~~

**Sec. 2-587. - Ethics Education Seminar.**

(a) Each elected official, members of each elected official's personal staff, each employee holding a senior administrative service position with the County, and each board or commission appointee, upon due notice, shall attend an ethics education seminar offered on a regular basis by the Board of Ethics within 120 days of the effective date of this amendatory ordinance or within 120 days of becoming an elected official, becoming a member of an elected official's personal staff, becoming a board or commission appointee or holding a senior administrative service position with the County (or as soon thereafter as an ethics education seminar is offered by the Board of Ethics) and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this article.

(b) The Board of Ethics shall define "senior administrative service position" by rule.

**Sec. 2-588. - Identity protection policy.**

(a) *Prohibited activities.* No officer or employee of the County shall do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number;

(2) Print an individual's social security on any card required for the individual to access products or services provided by the person or entity;

(3) Require an individual to transmit his or her social security number over the internet, unless the connection is secure or the social security number is encrypted;

(4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or Federal law requires the social security number to be on the document to be mailed. A social security number that may be permissibly mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened;

(5) Collect, use or disclose a social security number from an individual, unless (i) required to do so under State or Federal law, rules or regulations, or the collection, use or disclosure of the social security number is absolutely necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose;

(6) Require an individual to use his or her social security number to access an internet website;

(7) Use the social security number for any purpose other than the purpose for which it was collected.

- (b) *Exceptions.* The prohibitions in subsection (a) do not apply in the following circumstances:
- (1) The disclosure of social security numbers to agents, employees, contractors or subcontractors of the County or disclosure to another governmental entity or its agents, employees, contractors or subcontractors if disclosure is absolutely necessary in order for the entity to perform its duties and responsibilities;
  - (2) The disclosure of social security numbers pursuant to a court order, warrant or subpoena;
  - (3) The collection, use or disclosure of social security numbers if it is absolutely necessary in order to ensure the safety of County employees, persons committed to correctional facilities, local jails and other law enforcement facilities or retention centers; and all persons working in or visiting a County facility;
  - (4) The collection, use or disclosure of social security numbers if it is absolutely necessary for internal verification or administrative purposes;
  - (5) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.
- (c) *Conflicts.* Any standards of the County for the collection, use or disclosure of social security numbers that are stricter than the standards under this policy with respect to the protection of those social security numbers shall control in the event of any conflict with the provisions of this policy.
- (d) *Public Inspection and Copying of Documents.* Notwithstanding any other provision of this policy to the contrary, all officers of the County must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. All officers and employees of the County must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.
- (e) *Applicability.*
- (1) This policy does not apply to the collection, use or disclosure of a social security number as required by State or Federal law, rule or regulation.
  - (2) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.
- (f) *Compliance with Federal Law.* If a Federal law takes effect requiring any Federal agency to establish a national unique patient health identifier program, the County shall follow that law.
- (g) *Embedded Social Security Numbers.* No officer or employee of the County may encode or embed a social security number in or on a card or document including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this policy.

(h) *Identity Protection Requirements.* In accordance with the requirements of the Identity Protection Act, 5 ILCS 179/1 et seq.

- (1) All officers, employees, and agents of the County identified as having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training shall include instructions on the proper handling of information that contains social security numbers from the time of collection to the time of destruction of such information.
- (2) Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
- (3) Social security numbers requested from an individual in permissible circumstances shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- (4) When collecting a social security number in permissible circumstances or upon request by the individual, a statement of the purpose(s) for which the County is collecting and using the social security number shall be provided.
- (5) The County shall advise its employees of the existence of this policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public upon request. If the County amends this privacy policy, then the County shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.

(i) *Implementation.* All County agencies shall adopt procedures to come into compliance with this policy by the effective date of this Ordinance.

(j) *Violation.* Any person who intentionally violates the prohibitions in Subsection (a) of this policy is guilty of a Class B misdemeanor. Suspected violations shall be reported to the Board of Ethics or the Office of the Independent Inspector General as soon as practicable, and they will refer violations to the State's Attorney when appropriate for prosecution.

(k) *Supersede.* This policy does not supersede any more restrictive law, rule or regulation regarding the collection, use or disclosure of social security numbers. However, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

### **Subdivision III. - Financial Disclosure**

#### **Sec. 2-589. - Generally.**

- (a) Officers and employees shall file verified written statements of economic interests as required by the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 et seq. All statements shall be available in electronic form for examination and duplication by the Board of Ethics upon request.
- (b) The Board of Review and the Cook County Assessor shall post on their respective internet websites information pertaining to appeals filed with each office. The information posted will consist of the name of the applicant, the disposition of the appeal, the property index number, the appeal

number, the Attorney or other representative of record and the basis for the disposition. The website shall allow for users to search by address, pin number, appeal number or name of the Attorney or other representative of record.

The Board of Review and the Cook County Assessor shall post the required appeal information for a total of four assessment years on their respective websites.

#### **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 individual 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 a relative as defined in Section 2-562 ~~of related, either by blood or by marriage up to the degree of first cousin,~~ to any elected official of the County.
- (3) 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.
- (4) 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 be responsible for initiating, receiving, and investigating violations of this article. 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 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.
- (8) The Board may delegate to the Board staff as the Board considers necessary any matter properly before the Board. The Board shall adopt rules which specify those duties and responsibilities which may be delegated to Board staff, and those duties and responsibilities which shall remain with the members of the Board. County agencies, officials, board or commission appointees and employees shall cooperate with the Board or its delegate. Information necessary to any investigation shall be made available upon written request.
- (9) If necessary, the Board shall conduct hearings to determine contested facts relevant to the Board's determination of whether an investigation has found substantial evidence that a violation of the Ordinance has occurred. The Board may delegate this power to a duly licensed attorney of its choosing, provided that any recommended conclusions of fact are subject to review, rejection and modification by the Board before those recommendations are adopted.~~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 10) 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;

- c. 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
- d. 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.

Any person who has received an adverse determination by the Board of Ethics can seek administrative review within 30 days of the date of the Board's final determination via a writ of certiorari to the Circuit Court of Cook County.

- (~~40~~11) 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.
- (~~41~~12) 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.
- (~~42~~13) The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this article.
- (~~43~~ 14) 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 15) The Board shall preserve all pertinent records and reports for a period of not less than ten years.

**Sec. 2-592. - Confidentiality.**

Investigations and consideration by the Board of Ethics of potential violations of this article shall be confidential, except as necessary to carry out powers and duties of the Board or to enable another person or agency to consider and act upon the notices and recommendations of the Board. The final determinations of the Board shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Illinois Freedom of Information Act, as amended. The Board may require all persons who may be privy to confidential information regarding any aspect of its investigation sign an acknowledgement regarding the confidentiality of the information as provided in this Section.



## **Subdivision V. - Sanctions for Violation**

### **Sec. 2-601. - Employment sanctions.**

Any employee or official found to have violated any provision of this article, ~~or~~ to have knowingly furnished false or misleading information in any investigation, hearing or inquiry held pursuant to this article, or to have failed to cooperate with an investigation under this article shall be subject to employment sanctions, including discharge by the employing official. The provisions of this article shall not limit the power of officials to otherwise discipline employees.

### **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 or to have failed to cooperate with an investigation under this article.

### **Sec. 2-603. - Validity of contract.**

Any contract negotiated, entered into, or performed in violation of any of the provisions of this article shall be voidable by the County.

## **Subdivision VI. - Requirement for Disclosure of Ownership Interest in Business Entities Seeking County Contracts**

### **Sec. 2-610. - Actions requiring county approval; disclosure information required when.**

(a) Whenever any corporation; partnership; association; business trust; estate; two or more persons having a joint or common interest; other commercial or legal entity; trustee of a land trust; or any beneficiary or beneficiaries thereof makes application to the County of Cook for action requiring an ordinance, or ordinance amendment, county board approval, or other county agency approval, with respect to contracts, leases, or sale or purchase of real estate, the following disclosures and information shall be certified and attached to the application or document:

- (1) The name, address and percentage of ownership interest of each individual or entity having a legal or a beneficial interest of more than five percent in the applicant. Any entity required by law to file a statement providing substantially the information required by this paragraph with any other government agency may file a duplicate of such statement;
- (2) Whenever any interest required to be disclosed in paragraph (1) is held by an agent or agents, or a nominee or nominees, the principals for whom such agents or nominees hold such interest shall also be disclosed. The application of a spouse, domestic partner, or civil union partner or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name and address and percentage of beneficial interest of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever a stock or beneficial interest is held by a corporation or other legal entity, such shareholder or beneficiary shall also make disclosure as required by paragraph (1) above;
- (3) A statement under oath that the applicant has withheld no disclosures as to economic interests in the undertaking nor reserved any information, data or plan as to the intended use or purpose for which it seeks county board or other county agency action.

**Sec. 2-611. - Information to be kept current.**

All disclosures and information shall be current as of the date upon which the application is presented to the county board or other county agency, and shall be maintained current until such time as the county board or other county agency shall take action on the application. Furthermore, this information shall be maintained in a database and made available for public viewing.

**Sec. 2-612. - Additional information authorized when.**

Notwithstanding any of the above provisions, the ~~County Purchasing Agent~~ Chief Procurement Officer with respect to contracts awarded by the Chief Procurement Officer or County chief procurement officer, may require any such additional information from any vendor or proposed vendor applicant which is reasonably intended to achieve full disclosure relevant to the application request for action by the County Board of Commissioners or any other County agency in respect to contracts.

**Sec. 2-613. - Failure to comply.**

Any failure to comply with the provisions of this division shall render any ordinance, ordinance amendment, county board approval or other county action in behalf of the applicant, person, business, vendor failing to comply, voidable at the option of the county board or other county agency involved, upon the recommendation of the President or the majority of the County Board of Commissioners.

**Sec. 2-614. - Rulemaking authority.**

The County Purchasing Agent is authorized to promulgate rules and regulations and prepare forms to effectuate the purposes of this division.

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

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to recommend for approval as amended 16-5326. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Gainer, García, Goslin, Moore, Silvestri, Sims, Steele and Tobolski (13)

**Present:** Commissioners Daley, Morrison and Schneider (3)

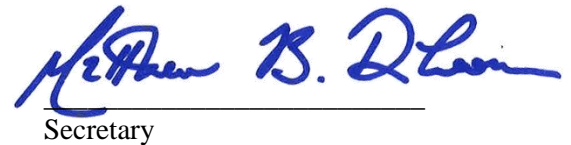
#### **ADJOURNMENT**

**A motion was made by Commissioner García, seconded by Commissioner Steele, to adjourn the meeting. The motion carried by the following vote:**

**Ayes:** Chairman Suffredin, Vice Chair Fritchey, Commissioners Arroyo, Boykin, Butler, Daley, Gainer, García, Goslin, Moore, Morrison, Schneider, Silvestri, Sims, Steele and Tobolski (16)

Respectfully submitted,

  
Chairman

  
Secretary

\*A video recording of this meeting is available at <https://cook-county.legistar.com>