

**Recessed to November 8, 2017 at 11am in the same location**



**Board of Commissioners of Cook County  
Board of Commissioners**

**Minutes of the Legislation and Intergovernmental Relations Committee**

**11:30 AM**

**Wednesday, November 8, 2017**

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

**RECONVENED from Tuesday, November 7, 2017**

**ATTENDANCE**

**Present:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison,  
Schneider, Silvestri, Sims and Tobolski (14)

**Absent:** Arroyo, Butler and Moore (3)

**PUBLIC TESTIMONY**

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

1. Mr. George Blakemore

**17-6118**

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 10/11/2017

**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to approve 17-6118. The motion carried by the following vote:**

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)

**Absent:** Arroyo, Butler and Moore (3)

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**17-2802**

**Presented by:** DAVID ORR, County Clerk

**REPORT**

**Department:** Cook County Clerk's Office

**Report Title:** Status Update on Consolidation of Recorder of Deeds and County Clerk

**Report Period:** 12/1/2016 - 4/30/2017

**Summary:** This report is to be referred to the Legislation and Intergovernmental Relations Committee in accordance with Resolution 17-2106. The County Clerk's Office present's its semi-annual status update report on progress being made towards the consolidation of the Recorder of Deeds and County Clerk Offices from 12/1/2016 - 4/30/2017.

**A motion was made by Commissioner Silvestri, seconded by Commissioner Daley, to recommend for receiving and filing 17-2802. The motion carried by the following vote:**

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)

**Absent:** Arroyo, Butler and Moore (3)

**17-4717**

**Sponsored by:** RICHARD R. BOYKIN, TIMOTHY O. SCHNEIDER and SEAN M. MORRISON, Cook County Board Of Commissioners

**PROPOSED ORDINANCE AMENDMENT**

**AN AMENDMENT REQUIRING BOARD APPROVAL FOR CERTAIN CIVIL SUITS**

**WHEREAS**, the Cook County Sweetened Beverage Tax went into effect on August 2, 2017 following a legal challenge that took a month to resolve, and

**WHEREAS**, the temporary restraining order cost the County about \$17 million, and

**WHEREAS**, Cook County filed suit against the Illinois Retail Merchants Association seeking damages in that amount, and

**WHEREAS**, this retribution for a valid lawsuit is unacceptable, and

**WHEREAS**, no citizen or group should face such dire consequences for filing a valid lawsuit against a government that implements any sort of tax, and

**WHEREAS**, the Cook County State's Attorney's Office is already overly burdened, as assistant state's attorneys prosecuting misdemeanors have 5,700 cases rather than the nationally recommended 400, and

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**WHEREAS**, the County Board has the fiduciary duty to its citizens to spend County resources in a fair, reasonable manner rather than as a tool for retribution.

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article III County Board, Division 2 Rules of Organization and Procedure, Section 2-103 Interpretation, force and effect of the Cook County Code is hereby amended as Follows:

**Sec. 2-103. - Interpretation, force and effect.**

(a) *Applicability*. The meetings and actions of the Board, including all of its committees, shall be governed by this division.

(b) *Effect of State law*. Except as otherwise specifically provided in this division, this division supersedes all provisions of Illinois statute to the extent of any conflict or inconsistency, except for statutes that, by their terms, specifically limit home rule units pursuant to Article VII, Section 6(g) or 6(h) of the 1970 Constitution of the State of Illinois.

(c) *Effective date*. This division shall be in full force and effect upon adoption, and shall remain in full force and effect except as amended in accordance herewith, or until superseded by new rules adopted as part of the organization of a newly constituted Board at the commencement of a term.

(d) *Interpretation*. This division shall be interpreted and applied to foster the goals and purposes set forth in Section 2-101. This division is to be construed in accordance with the customary American usage and meaning of parliamentary terms and expressions and the plain meaning of the ordinary words appearing herein. In case of ambiguous application, this division shall be applied in a manner that fosters openness, accountability and fairness in the operation of the Board.

(e) *Adoption of rules*. At the commencement of a term, the Board may adopt new rules of organization and procedure by ordinance setting forth such rules in their entirety and repealing these rules. Such ordinance must be adopted by a majority of those elected. Rules so adopted shall supersede these rules.

(f) *Rules for committee meetings*. The rules of procedure for all committee, subcommittee and special committee meetings shall be the same as for Board meetings, except that committees composed of less than the entire Board shall require only a majority of the committee members for a quorum.

(g) *Amendment or suspension of rules*. Any provision of this division may be temporarily suspended by majority vote, upon motion of any Commissioner specifying the rule to be suspended.

(h) *Specific Rules for Finance Subcommittee on Litigation*. The Cook County State's Attorney's Office shall, for each settlement of \$500,000.00 and above, submit the following:

1. Any legal conflicts of interest of any party to the suit, as well as opposing counsel, of which the

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State's Attorney's Office is aware at the time it makes its settlement recommendation;

2. The current employment status of employee stakeholders named in the proposed settlement;
3. Any significant tangible evidence (i.e., photos, videos) that the State's Attorney's Office believes is relevant to its recommendation; and
4. At the end of each fiscal year:
  - a. the State's Attorney's Office will provide an annual summary of all settlements, case dispositions and invoices approved in excess of \$500,000.00 entered into during that fiscal year; and
  - b. the County offices whose employees are named defendants in any such cases shall report on the employment statuses of such employees and any resulting disciplinary actions.

Further, on or before the submittal deadline for the Subcommittee meeting at which a proposed settlement of \$500,000.00 or more will be discussed, the State's Attorney's Office shall provide the Director of the Cook County Department of Human Rights and Ethics ("Director") with the following information for each such settlement:

1. The identity of all counsel appearing in the case and their respective firms;
2. A copy of the complaint, with the case numbers;
3. The name of each party and, for individual County defendants, their employer; and
4. The Assistant State's Attorney(s) responsible for the case.

At such Subcommittee meeting, the Director shall report to the Subcommittee any potential issues arising under the Cook County Ethics Ordinance presented by the proposed settlement based on the information provided to the Director by the State's Attorney's Office.

Further, the Cook County State's Attorney shall notify by letter the members of the Finance Subcommittee on Litigation prior to taking action to file a civil lawsuit or otherwise commence legal action in a civil venue against another party, where said lawsuit or legal action seeks damages in excess of \$100,000.00. Once notification of the Subcommittee Chairman has been accomplished, the Cook County State's Attorney shall not file a civil lawsuit seeking damages greater than \$500,000.00 or otherwise commence legal action in a civil venue seeking damages greater than \$500,000.00 without obtaining prior approval of the Finance Subcommittee on Litigation.

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

**A motion was made by Commissioner Boykin, seconded by Commissioner Moody, to**

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**recommend for receiving and filing 17-4717. The motion carried by the following vote:**

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)

**Absent:** Arroyo, Butler and Moore (3)

**17-5210**

**Sponsored by:** LARRY SUFFREDIN, Cook County Board Of Commissioners

**PROPOSED ORDINANCE**

**AN ORDINANCE CREATING THE COMMITTEE ON DEPARTMENT ADMINISTRATIVE RULES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article III - County Board, Division 1 - Generally, Section 2-84 - Review of Administrative Rules is hereby enacted as follows:

**Sec. 2-84. - Review of Department Administrative Rules**

(a) *Establishment and Purpose*: The Committee on Department Administrative Rules (for purposes of this Section, “the Committee”) is hereby established. The purpose of the Committee shall be the creation and promotion of adequate and proper rules by Cook County Departments.

(b) *Applicability*. All Rules drafted, published and/or implemented by any Department shall be reviewed in accordance with this Section. For purposes of this Section, the term *Rule* is defined as a Department’s statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include:

- (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the Department,
- (ii) informal advisory rulings;
- (iii) intra-agency memoranda; or
- (iv) the prescription of standardized forms.

(c) *Powers*: The Committee may:

1. Examine any proposed rule, amendment to a rule, and repeal of a rule to determine whether the proposed rule, amendment to a rule, or repeal of a rule is within the statutory authority upon which it is based; whether the rule, amendment to a rule, or repeal of a rule is in proper form; and

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whether the notice was given before its adoption, amendment, or repeal and was sufficient to give adequate notice of the purpose and effect of the rule, amendment, or repeal.

2. Consider whether the Department has considered alternatives to the rule that are consistent with the stated objectives of both the applicable statutes and regulations and whether the rule is designed to minimize economic impact on small businesses.
3. Conduct hearings on proposed and/or existing Rules;
4. Receive and review oral or written testimony from Department employees or public witnesses pertaining to Proposed or Existing Rules;
5. Undertake studies and investigations concerning rulemaking and Department Rules;
6. Monitor and investigate Department's compliance with the provisions of this Act;
7. Make periodic investigations of the rulemaking activities of all Departments;
8. Evaluate and report on all rules in terms of their propriety, legal adequacy, relation to statutory authorization, economic and budgetary effects, and public policy;
9. Request from any Department an analysis of the effect of a new rule, amendment or repealer, including and direct economic effect on the persons regulated by the rule; any anticipated effect on the proposing Department's budget and the budgets of other Departments; the Department's justification and rationale for the intended rule, amendment or repealer; and/or any anticipated effects on County Revenues;
10. Review the statutory authority on which any administrative rule is based;
11. Suggest rulemaking by a Department if the Department's rules are incomplete, inconsistent or otherwise deficient.

(d) *Notice and Publication:* Upon issuing a Rule, a Department shall submit the proposed Rule to the Board of Commissioners, who shall send the Rule to the Committee. The Committee shall schedule a public hearing on the Rule before the next regularly scheduled meeting of the Board of Commissioners. The Secretary shall publish Notice of both meetings distribute the proposed Rule per established procedures.

Each agency shall make available for public inspection all final orders, decisions, and opinions, except those deemed confidential by State or federal statute and any trade secrets.

(e) *Comments:* The Committee will encourage members of the public to submit comments on proposed rules directly to the proposing Department. This policy will not limit the Committee from considering comments or problems not submitted to the Department first.

(f) *Committee Action:* After conducting a public hearing on a proposed Rule, the Committee may accept the proposed Rule as written, reject the Rule entirely, or object and modify the proposed Rule.

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1. Acceptance - If the Committee accepts the Rule, the Rule shall go into effect 30 days after acceptance.
2. Rejection/Objection - If the Committee rejects or objects to a proposed rule, amendment to a rule, or repeal of a rule, it shall certify the fact to the issuing Department and include with the certification a statement of its specific objections.

The Department may:

- i. Modify the proposed rule, amendment or repealer to meet the Committee's objections;
  - ii. Withdraw the proposed rule, amendment or repealer in its entirety; or
  - iii. Refuse to modify or withdraw the proposed rule, amendment, or repealer
1. Modification - If a Department elects to modify a proposed rule, amendment or repealer to meet the Committee's objections, it shall make those modifications that are necessary to meet the objections and then resubmit the rule, amendment or repealer to the Committee within 30 days of the public hearing. Failure of a Department to respond to the Committee's objections to a proposed rule, amendment, or repealer within 30 days shall constitute withdrawal of the proposed rule, amendment, or repealer in its entirety.

If the Committee determines that the modifications do not remedy the Committee's objections, it shall notify the Department in writing and shall recommend legislative action to remedy the objection.

2. Failure to Object - Failure of the Committee to object to any proposed rule, amendment, or repealer or any existing rule shall not be construed as implying direct or indirect approval of the rule or proposed rule, amendment, or repealer.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article III - County Board, Division 1 - Generally, Section 2-84 - Review of Administrative Rules is hereby amended as follows:

**Sec. 2-106. - Committees.**

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(n) *Standing committees.* The standing committees, the standing subcommittees and the number of members to be appointed to each (including Chair and Vice-Chair, but excluding ex officio members) are as follows:

(1) Department Administrative Rules, five members.

~~(1)~~ (2) Audit, seven members. (The County Auditor and Chief Financial Officer are ex officio, nonvoting members of the Audit Committee.)

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~~(2)~~ (3) Asset Management, nine members.

~~(3)~~ (4) Business and Economic Development, nine members.

~~(4)~~ (5) Contract Compliance, nine members.

~~(5)~~ (6) Criminal Justice, Committee of the Whole.

~~(6)~~ (7) Environmental Control, seven members.

~~(7)~~ (8) Finance, Committee of the Whole, with the following subcommittees with the number of members indicated:

a. Litigation, seven members.

b. Tax Delinquency, five members.

c. Workers' Compensation, five members.

~~(7)~~ (8) Health and Hospitals, Committee of the Whole.

~~(8)~~ (9) Homeland Security and Emergency Management, Committee of the Whole.

~~(9)~~ (10) Human Relations, seven members.

~~(10)~~ (11) Labor, nine members.

~~(11)~~ (12) Law Enforcement, seven members.

~~(12)~~ (13) Legislation and Intergovernmental Relations, Committee of the Whole.

~~(13)~~ (14) Pension, seven members.

~~(14)~~ (15) Roads and Bridges, Committee of the Whole.

~~(15)~~ (16) Rules and Administration, nine members.

~~(16)~~ (17) Technology and Innovation, nine members.

~~(17)~~ (18) Veterans, seven members.

~~(18)~~ (19) Workforce, Housing and Community Development, five members.

~~(19)~~ (20) Zoning and Building, Committee of the Whole.

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



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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to recommend for deferral 17-5210. The motion carried by the following vote:**

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)  
**Absent:** Arroyo, Butler and Moore (3)

**17-5249**

**Sponsored by:** RICHARD R. BOYKIN, DENNIS DEER, JOHN A. FRITCHEY, BRIDGET GAINER, GREGG GOSLIN, EDWARD M. MOODY, SEAN M. MORRISON, TONI PRECKWINKLE (President), TIMOTHY O. SCHNEIDER, DEBORAH SIMS, JOHN P. DALEY, JESÚS G. GARCÍA, PETER N. SILVESTRI, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, Cook County Board Of Commissioners

## **PROPOSED ORDINANCE**

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

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

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

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

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

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

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, to recommend for approval 17-5249. The motion carried by the following vote:**

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)  
**Absent:** Arroyo, Butler and Moore (3)

**17-5656**

**Sponsored by:** JOHN A. FRITCHEY, Cook County Board Of Commissioners

**PROPOSED RESOLUTION**

**SUPPORTING HB2353 AND SB316 TO LEGALIZE AND REGULATE CANNABIS USE FOR ADULTS IN ILLINOIS**

**WHEREAS**, in 2000, the Office of National Drug Control Policy (ONDCP) attempted to restate the goals of the “War on Drugs”: “to educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco; to increase the safety of America's citizens by substantially reducing drug-related crime and violence; to reduce health and social costs to the public of illegal drugs use; to shield America's air, land, and sea frontiers from the drug threat; and to break foreign and domestic drug sources of supply”; and

**WHEREAS**, despite spending more than \$1 Trillion over the last 40 years, the efforts of the “War on Drugs”, the health and social costs of drugs increase every year, drugs are no less available than before, and treatment is not available to the vast majority of people who need it; and

**WHEREAS**, there have been 1 million arrests for misdemeanor marijuana possession in the State of Illinois from 1975 to 2009 and in 2007, Illinois ranked sixth in the nation in per-capita marijuana arrest rates, representing 58 percent of all drug arrests in the state; and

**WHEREAS**, mirroring national trends, despite similar use rates among minorities and Caucasians throughout Illinois, non-whites are arrested at a higher rate than whites relative to their representation in

the general population. Arrest data from 2007 reveals that racial disproportionality in drug arrests occurred in 62 of the 102 counties in Illinois, including urban, suburban, and rural areas and that most of the disproportionality in Illinois drug laws was related to drug possession charges, which accounted for nearly 75 percent of felony drug arrests across the state; and

**WHEREAS**, before marijuana procession was decriminalized, Chicago police made approximately 23,000 arrests a year for marijuana possession, an astounding 97 percent of charges involving 2.5 grams or less were dismissed between 2006 and 2010, creating nothing more than an unnecessary arrest record for some 20,000 individuals; and

**WHEREAS**, despite the fact that the City of Chicago decriminalized small amounts of marijuana possession 5 years ago and that the number of arrests for marijuana possession have dropped to their lowest level in years, police continue to make thousands of arrests for misdemeanor possession - more

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than for any other offense; and

**WHEREAS**, marijuana-related arrests in every Cook County municipality, including Chicago, result in staggering costs to Cook County government by virtue of the necessary involvement of the County jail, Sheriff's department, State's Attorney, Clerk of the Court, judiciary, and often times, the Public Defender, annually costing Cook County taxpayers tens of millions of dollars; and

**WHEREAS**, most arrests for marijuana possession do not lead to trials or prison terms. Instead, a large number of these arrests are plea-bargained, continued without a finding, dismissed, or otherwise handled in a manner that places unnecessary burdens on already-limited criminal justice system resources; and

**WHEREAS**, arresting individuals for cannabis possession does nothing to reduce its use, rather it can often create barriers to living a normal life by negatively impacting public housing and student financial aid eligibility, employment opportunities, child custody determinations, and immigration status, even if as is almost always the case, the charges are dismissed; and

**WHEREAS**, existing evidence from other states and countries show there is no indication that decriminalization of marijuana leads to a measurable increase in its use; and similar results have been found in states that have legalized marijuana; and

**WHEREAS**, a recent 2017 poll conducted by the Paul Simon Public Policy Institute finds that two-thirds of Illinois voters, support or strongly support legalization of recreational marijuana if it is taxed and regulated like alcohol, and in Chicago, 74 percent of voters support or strongly support legalization of marijuana while in suburban Cook and the collar counties support or strong support is at 70 percent; and

**WHEREAS**, as Illinois and Cook County continually face severe budget and financial constraints and lawmakers repeatedly face the undesirable choice of deciding between increasing taxes or substantial service cuts, or both, creating an intelligent, practical framework of cannabis legalization, regulation and taxation can help address a myriad of problems such as improved health and public safety, reduced criminal justice and jail costs, law enforcement efficacy, black market drug displacement as well as increased revenue for education and treatment protocols;

**WHEREAS**, Illinois State Representative Kelly Cassidy and State Senator Heather Steans have introduced bills in the General Assembly (HB2353/SB316), which seek to legalize, regulate and tax recreational marijuana use for adults 21 and over and would have an estimated revenue impact of \$350 to \$699 million at the state level and would also have a positive multi-million dollar impact for Cook County via sales tax proceeds and possibly excise tax revenue; and

**WHEREAS**, passage of this legislation would assist in the creation of a Cook County budget with a reduced reliance on new taxes, revenues or cuts to essential services, would lower the cost and burden on our criminal justice system and would additionally reduce unnecessary and unwarranted barriers to individuals seeking housing and employment among other items; and

**WHEREAS**, as taxpayers continue to be increasingly burdened by new or raised taxes, it is more important than ever that elected officials at every of government work to create a government that does more with less; and

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**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners support the efforts of Representative Cassidy and Senator Steans to legalize marijuana usage for adults in Illinois and does hereby urge the Illinois General Assembly to consider HB2353/SB316 at the next session of the General Assembly in 2018; and

**BE IT FURTHER RESOLVED**, that a suitable copy of the Resolution be tendered to the sponsor of HB2353 and SB316 as well as the Speaker of the Illinois House of Representatives and the President of the Illinois Senate.

Effective Date: This resolution shall be effective upon adoption.

**Recommend for deferral**

#### **ADJOURNMENT**

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

**Ayes:** Suffredin, Fritchey, Boykin, Daley, Deer, Gainer, García, Goslin, Moody, Morrison, Schneider, Silvestri, Sims and Tobolski (14)

**Absent:** Arroyo, Butler and Moore (3)

Respectfully submitted,



Chairman



Secretary

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