



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	15-3085	Version:	1	Name:	Ethics Ordinance Amendment
Type:	Ordinance Amendment	Status:			Approved
File created:	4/27/2015	In control:			Board of Commissioners
On agenda:	4/29/2015	Final action:			5/20/2015
Title:	PROPOSED ORDINANCE AMENDMENT				

AMENDING THE COOK COUNTY ETHICS ORDINANCE TO CLARIFY THE COOK COUNTY BOARD OF ETHICS'S EXISTING POWERS TO IMPOSE FINES FOR ORDINANCE VIOLATIONS AND TO SUE TO ENFORCE ITS DETERMINATIONS

WHEREAS, the County of Cook is a Home Rule Unit of Government pursuant to the 1970 Illinois Constitution, Article VII, Section 6; and,
WHEREAS, pursuant to its home rule power, the County of Cook may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and,
WHEREAS, in 1993, this Board of Commissioners exercised that home rule power to enact the Cook County Ethics Ordinance ("Ethics Ordinance"), which is, by its own terms, applicable to the conduct of all County officials, appointees and employees; and,
WHEREAS, this Board of Commissioners further exercised that home rule power to create the Cook County Board of Ethics ("Board of Ethics") to enforce the Cook County Ethics Ordinance; and,
WHEREAS, from time to time, this Board of Commissioners has amended the Ethics Ordinance; specifically, in one of the 2004 amendments, the Board of Commissioners changed the manner in which fines for violation are imposed, by eliminating the need to go to court to obtain a conviction, and instead vesting in the Board of Ethics the power to make findings of violations and impose fines; and
WHEREAS, the Ethics Ordinance currently grants the Board of Ethics the power to issue fines against County officials, appointees and employees for violations of the Cook County Ethics Ordinance and sue in its own name to enforce its determinations; and,
WHEREAS, the power of the Cook County Board of Ethics to enforce the Cook County Ethics Ordinance and pursue litigation in its own name has been called into question; and
WHEREAS, this amendment is intended solely to clarify, rather than change, existing law;
NOW THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article VII - Ethics, Division 2 - Code of Ethical Conduct, Subdivisions IV and V, Sections 2-591 and 2-602 of the Cook County Code is hereby amended as follows:
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 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 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 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) 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;

bc. 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

cd. 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.

(10) 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.

(11) 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.

(12) The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this article.

(13) 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) The Board shall preserve all pertinent records and reports for a period of not less than ten years.

SUBDIVISION V. - Sanctions for Violation

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, shall be subject to a fine of at least \$500.00 and up to \$5,000.00, for any one offense.

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

Sponsors: TONI PRECKWINKLE (President), JOHN P. DALEY, JESÚS G. GARCÍA, TIMOTHY O. SCHNEIDER, LARRY SUFFREDIN, ROBERT STEELE

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/20/2015	1	Board of Commissioners	approve	Pass
5/20/2015	1	Legislation and Intergovernmental Relations Committee	recommend for approval	Pass
4/29/2015	1	Board of Commissioners	refer	Pass

PROPOSED ORDINANCE AMENDMENT

AMENDING THE COOK COUNTY ETHICS ORDINANCE TO CLARIFY THE COOK COUNTY BOARD OF ETHICS'S EXISTING POWERS TO IMPOSE FINES FOR ORDINANCE VIOLATIONS AND TO SUE TO ENFORCE ITS DETERMINATIONS

WHEREAS, the County of Cook is a Home Rule Unit of Government pursuant to the 1970 Illinois Constitution, Article VII, Section 6; and,

WHEREAS, pursuant to its home rule power, the County of Cook may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, in 1993, this Board of Commissioners exercised that home rule power to enact the Cook County Ethics Ordinance ("Ethics Ordinance"), which is, by its own terms, applicable to the conduct of all County officials, appointees and employees; and,

WHEREAS, this Board of Commissioners further exercised that home rule power to create the Cook County Board of Ethics ("Board of Ethics") to enforce the Cook County Ethics Ordinance; and,

WHEREAS, from time to time, this Board of Commissioners has amended the Ethics Ordinance; specifically, in one of the 2004 amendments, the Board of Commissioners changed the manner in which fines for violation are imposed, by eliminating the need to go to court to obtain a conviction, and instead vesting in the Board of Ethics the power to make findings of violations and impose fines; and

WHEREAS, the Ethics Ordinance currently grants the Board of Ethics the power to issue fines against County officials, appointees and employees for violations of the Cook County Ethics Ordinance and sue in its own name to enforce its determinations; and,

WHEREAS, the power of the Cook County Board of Ethics to enforce the Cook County Ethics Ordinance and pursue litigation in its own name has been called into question; and

WHEREAS, this amendment is intended solely to clarify, rather than change, existing law;

NOW THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 - Administration, Article VII - Ethics, Division 2 - Code of Ethical Conduct, Subdivisions IV and V, Sections 2-591 and 2-602 of the Cook County Code is hereby amended as follows:

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 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 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 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) 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;
 - ~~b~~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
 - ~~e~~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.
- (10) 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.
- (11) 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.
- (12) The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this article.
- (13) 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) The Board shall preserve all pertinent records and reports for a period of not less than ten years.

SUBDIVISION V. - Sanctions for Violation

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, shall be subject to a fine of at least \$500.00 and up to \$5,000.00, for any one offense.~~

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