



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE AMENDMENT AN AMENDMENT TO THE INDEPENDENT INSPECTOR GENERAL ORDINANCE

WHEREAS, Chapter 2 Administration, Article IV Officers and Employees, Division 5 Inspector General, Section 2-286 of the Cook County Code authorizes the Independent Inspector General to issue subpoenas to request documents or testimony related to an authorized investigation; and

WHEREAS, the Independent Inspector General from time to time is required to enforce such subpoenas, through the State's Attorney of Cook County, requesting court enforcement thereof; and

WHEREAS, it has been asserted that no such enforcement authority is explicitly included in Section 2-286 and therefore does not exist; and

WHEREAS, this Board desires to clarify its intention in this regard and ensure that the Independent Inspector General has the legal authority to seek enforcement of such subpoenas by including explicit enforcement powers in this Ordinance Amendment.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IV Officers and Employees, Division 5 Inspector General, Section 2-286 Subpoenas of the Cook County Code, is hereby amended as follows:

Sec. 2-286. - Subpoenas.

The Independent Inspector General shall be authorized to issue subpoenas to request documents or testimony related to an investigation authorized by this division. Subpoenas shall be served in the manner provided under the Rules of the Illinois Supreme Court and shall identify the person to whom the subpoena is directed and the documents or items sought, stating the date, time and place for appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for appearance or production be less than seven days after service of the subpoena. No later than the time for appearance or production requested by subpoena, the person to whom the subpoena is directed may object to the subpoena in whole or in part. The Independent Inspector General shall consider the grounds for the objection and may resolve the objection through negotiation. The Independent Inspector General shall be authorized to seek enforcement of subpoenas issued pursuant to this Section, through the State's Attorney of Cook County in accordance with 55 ILCS 5/3-9005(a)(3) or 55 ILCS 5/3-9008(a), in the Circuit Court of Cook County. No documents or testimony may be sought from representatives of labor organizations relating to the function of representing an employee subject to investigation, or for documents or information which are privileged or confidential under State or Federal law, including but not limited to documents or information maintained under the Mental Health and Developmental Disabilities Confidentiality Act.

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