



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE

AN ORDINANCE REQUIRING THE CREATION OF A MUNICIPAL OR SPECIAL DISTRICT INSPECTOR GENERAL

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Municipal and Special District Inspector General Ordinance, Sections 46-93 - 46-101 is hereby enacted as follows:

Sec. 46-93. Title

This amendment shall be known and cited as the Cook County Municipal and Special District Inspector General Ordinance.

Sec. 46-94. Definitions

Corporate Authority shall mean the aggregate body of officers or officer of a Municipality or Special District who are vested with authority in regard to the operations of the respective Municipality or Special District.

Inspector General shall mean the lawfully created Office of Inspector General within a Municipality or Special District.

Misconduct shall mean corruption, fraud, waste, mismanagement, unlawful political discrimination, unlawful activity, misconduct and/or any other activity as defined by the Municipality or Special District in the operation of Municipal or Special District government.

Municipality shall mean any city, village, town or other municipal entity, except the city of Chicago, whether such city, village, town or municipal entity is located partially or wholly within Cook County.

Sheriff means the Cook County Sheriff.

Special District includes any

- (1) Cemetery Association established and organized pursuant to 70 ILCS 105/1, *et. seq.*;
- (2) Drainage District established and organized pursuant to 70 ILCS 605/1, *et. seq.*;
- (3) Mosquito Abatement District established and organized pursuant to 70 ILCS 1005/1, *et. seq.*;
- (4) River Conservancy District established and organized pursuant to 70 ILCS 2105/1, *et. seq.*;
- (5) Sanitary District established and organized pursuant to 70 ILCS 2805/0.01, *et. seq.*, 70 ILCS 2405/1, *et. seq.* or 70 ILCS 2805/1 *et. seq.*;

- (6) Street Lighting District established and organized pursuant to 70 ILCS 3305/1, *et. seq.*;
- (7) Water Commission established and organized pursuant to 65 ILCS-135-1, *et. seq.*;

that operates and is located within the boundaries of Cook County, Illinois and to which the President of the Cook County Board of Commissioners appoints the members of the governing body of the Special District.

Unlawful political discrimination shall include, but not be limited to basing the terms and conditions of a non-exempt employee's employment such as hiring, firing, promotion, transfer, discipline or termination on political reasons and factors.

Sec. 46-95. Establishment and Purpose of an Inspector General.

By January 1, 2017, all Municipalities and Special Districts shall create an Office of Inspector General for their respective Municipalities or Special Districts. The purpose of the Office of the Inspector General is to detect, investigate, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination, unlawful activity and/or misconduct in the operation of a Municipal or Special District government.

Sec. 46-96. Creation.

In creating an Office of Inspector General, Municipalities or Special Districts may:

- (1) Appropriate corporate funds and allocate corporate employees to provide Inspector General services;
- (2) Create an Intergovernmental Agreement with other Municipalities or Special Districts to provide Inspector General services; or
- (3) Create an Intergovernmental Agreement with the Sheriff for the provision of Inspector General services.

Sec. 46-97. Powers and Duties.

The Municipality and/or Special District shall ensure that the organization and administration of its Inspector General shall be sufficiently independent to ensure that no interference or influence external to the office adversely affects the independence and objectivity of the Inspector General.

Inspector Generals shall:

- (1) Receive and register complaints and information concerning corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct in the operations of Municipal or Special District Government; including, but not limited to any contract, grant, lease, license, or application or certification of eligibility for the same; all Municipal or Special District employees, departments, bureaus, boards, agencies, agents, or independent contractors; appointed officials, and elected officials in the performance of their official duties; contractors and subcontractors providing goods and services pursuant to a Municipal or Special District contract; and all persons and business entities seeking Municipal or Special District contracts or certification of eligibility for Municipal or Special District contracts.
- (2) To investigate corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct in operations of Municipal and Special District Government, either in response to such complaints or on the Inspector General's own initiative, or in the proper case, to refer complaints and information to an outside law enforcement agency.
- (3) To promulgate rules and regulations for the conduct of investigations consistent with the requirements of equal

protection, due process and this division.

- (4) To request information from and to conduct interviews under oath with Municipal or Special District employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking Municipal or Special District contracts, grants, licenses, or certification of eligibility for Municipal or Special District contracts, for the purpose of investigation of corruption, fraud, waste, mismanagement, unlawful political discrimination, or misconduct. This includes the power to review past, present, and proposed County programs, accounts, records, contracts and transactions.
- (5) To prepare reports and make recommendations for corrective action.
- (6) To notify the State's Attorney or other appropriate law enforcement authority if the Inspector General determines or suspects that possible criminal conduct has occurred, and to promptly tender to such authorities any evidence or information which has been obtained by the Inspector General. In the event an investigation by an Inspector General threatens to interfere with an investigation by a different county, city, state, or federal law enforcement agency, the Inspector General will cooperate in all respects with such law enforcement agency. The Inspector General shall acquiesce in its investigation only upon written request of another law enforcement agency.
- (7) To serve as liaison between the Municipality or Special District and law enforcement authorities regarding any matters which have been referred to such authorities by the Inspector General.
- (8) To create and maintain a toll-free "Office of the Inspector General Hotline" for the purpose of receiving citizen and employee reports of corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct. The identity of any individual placing a call to the Office of the Inspector General Hotline shall be kept confidential during and after the investigation of any complaint made by the caller, unless the caller consents to disclosure of his or her name or disclosure of the caller's identity is otherwise required by law. Alternatively, reports may be made anonymously.

Sec. 46-98. Audit Expenses.

The expenses of any audit and investigation conducted or ordered by the Municipal Inspector General or Special District Inspector General pursuant to this Ordinance shall be paid by the subject Municipality or Special District. Payment shall be ordered by the subject Municipality or Special District out of the funds of the Municipality or Special District and such Municipality or Special District authorities shall make provision for payment. Contracts for the performance of audits required by this Ordinance may be entered into without competitive bidding.

Sec. 46-99. Cooperation.

(a) During the term of the Municipal Inspector General or Special District Inspector General, it shall be the duty of every officer, employee, contractor, subcontractor and licensee of the Municipality or Special District to cooperate with the Municipal Inspector General or Special District Inspector General in the management and day-to-day operations of governmental functions and law enforcement duties and public safety initiatives overseen by the Municipal Inspector General or Special District Inspector General.

(b) Subject to federal and state constitutional protections, state law employment rights, the Municipal or Special District's Personnel Policy Manual and any applicable collective bargaining agreements, failure of any Municipal or Special District employee or appointed official to cooperate with the Office of the Inspector General in regard to matters covered by this Ordinance shall be considered, at the sole discretion of the corporate authority of the Municipality or Special District, cause for disciplinary action, up to and including termination of employment or removal from office.

(c) It shall be the duty of any party doing business with the Municipality or Special District to cooperate with

the Inspector General in regard to matters covered by this Ordinance. Refusal to cooperate shall be considered, at the sole discretion of the corporate authority, cause for termination of a contract, license or similar benefit, or as grounds for the corporate authority to refuse to enter into a future contract, license or other benefit.

(d) Inspector Generals may receive, register and investigate complaints of retaliation against any Municipal or Special District employee based upon cooperation with the Inspector General.

Sec. 46-100. Auditing Duties.

This Ordinance does not relieve the subject Municipality, Special District, any other governmental entity or any officer of such entity of the duties required by law with respect to the auditing of public funds or the disbursement of public funds.

Sec. 46-101. Severability.

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the Cook County Board that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

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