



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #:	23-2081	Version:	1	Name:	ORDINANCE REGARDING THE VETERAN'S ASSISTANCE COMMISSION OF COOK COUNTY
Type:	Ordinance Amendment	Status:			Approved
File created:	3/20/2023	In control:			Veterans Committee
On agenda:	4/27/2023	Final action:			5/25/2023
Title:	PROPOSED ORDINANCE AMENDMENT				

ORDINANCE REGARDING THE VETERAN'S ASSISTANCE COMMISSION OF COOK COUNTY

BE IT ORDAINED, by the Cook County Board of Commissioners that Veteran's Affairs Commission of Cook County Article VI. Boards, Commissions and Committees, Division 1. General Provisions, Sec. 2-471 of the Cook County Code is hereby repealed and Cook County Article VI. Boards, Commissions and Committees, Division 5. Veterans Assistance Commission Sec. 2-548 - 2-559 is hereby enacted as follows:

ARTICLE VI.

DIVISION 1. GENERAL PROVISIONS.

Sec. 2-471. Veteran's Assistance Commission. Reserved.

The County Board does concur in the action of the President of the County Board in incorporating the activities of the Veteran's Assistance Commission of Cook County into the County Bureau of Administration.

DIVISION 5. VETERANS ASSISTANCE COMMISSION.

Sec. 2-548. Short Title.

This Ordinance shall be known and may be cited as the "Ordinance Regarding the Veterans Assistance Commission of Cook County.

Sec. 2-549. Definitions.

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated:

Board of Commissioners or County Board means the Board of Commissioners for Cook County, Illinois.

County means Cook County, Illinois.

Cook County Code means the Code of Ordinances of Cook County, Illinois.

Superintendent means the Superintendent of the Veterans Assistance Commission of Cook County.

Fiscal Year means the fiscal year of the Veterans Assistance Commission of Cook County, which shall begin on December 1st of each year and end on the following November 30th.

Veterans Assistance Commission means the Veterans Assistance Commission of Cook County and its delegate members appointed in accordance with 330 ILCS 45 et. seq. which shall include the County's Director of Veterans Affairs who may attend any public meeting of the Commission but may

not have voting rights, may not hold any office or title on the Commission,

Ordinance means this ordinance regarding the Veterans Assistance Commission of Cook County.

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.

President means the President of the Cook County Board of Commissioners.

State means the State of Illinois.

Sec. 2-550. Purpose.

The purpose of this Ordinance is to establish the legal relationship between the Veterans Assistance Commission and the County Board.

Sec. 2-551. Legal Status of Veterans Assistance Commission of Cook County, General Powers, and Principal Office.

(a) The County Board hereby establishes its legal relationship with the Veterans Assistance Commission of Cook County which shall be funded by Cook County. All personnel, facilities, equipment, and supplies within the Veterans Assistance Commission of Cook County shall be governed by its Bylaws, federal, State and County laws, Cook County policies.

(b) The purpose of the Veterans Assistance Commission of Cook County is to provide immediate emergency financial assistance to Cook County veterans and veterans' families. The general powers of the Veterans Assistance Commission of Cook County shall be in accordance with 330 ILCS 45 et. seq. The Veterans Assistance Commission of Cook County shall comply with all applicable federal, state and county laws, rules, regulations, and orders as well as Cook County policies. The Veterans Assistance Commission and its Superintendent, employees and contractors shall be subject to the Cook County Ethics Ordinance and the Office of the Independent Inspector General Ordinance.

(c) In accordance with 330 ILCS 45 et. seq., the employees of the Veterans Assistance Commission shall not be employees of the County; however, the County shall also provide to the employees of the Veterans Assistance Commission all benefits available to County employees, including, but not limited to, benefits offered through any applicable County retirement fund; health, life, and dental insurance; and workers compensation insurance. Employer contributions and costs for these benefits, services, and coverages may come from Veterans Assistance Commission funds.

(d) The principal office of the Veterans Assistance Commission of Cook County shall be at a location within the geographical boundaries of Cook County, as determined by the Veterans Assistance Commission.

Sec. 2-552. Meetings.

(a) The place, date, and time of the Veterans Assistance Commission of Cook County meetings shall be determined at the discretion of the Veterans Assistance Commission of Cook County. All meetings of the Veterans Assistance Commission of Cook County shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (the "OMA")

(b) Minutes of all meetings of the Veterans Assistance Commission shall be made and maintained as required by the OMA.

Sec. 2-553. Bylaws, and Policies and Procedures.

The Veterans Assistance Commission of Cook County shall adopt bylaws, procedures, and policies consistent with the provisions of this Ordinance and 330 ILCS 45 et. seq. The Veterans

Assistance Commission shall, in writing, adopt all applicable policies already established and in place for Cook County, including, but not limited to, policies related to compensation, employee rights, ethics, procurement, and budget. Those policies shall be implemented and adhered to, accordingly, by the Superintendent and the Veterans Assistance Commission of Cook County. The Veterans Assistance Commission of Cook County shall amend its adopted policies whenever the County amends an applicable policy within 60 days of amendment.

Sec. 2-554. Fiduciary Duty.

The delegate members of the Veterans Assistance Commission and its employee are under a fiduciary duty to conduct the activities and affairs of the Veterans Assistance Commission in the best interests of the residents of Cook County, including the safekeeping and use of all Veterans Assistance Commission monies and assets. The delegate members of the Veterans Assistance Commission shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

Sec. 2-555. Indemnification.

(a) The County shall defend and indemnify the Veterans Assistance Commission of Cook County with respect to all negligence claims, and claims or judgments arising out of Veterans Assistance Commission activities performed on behalf of the County.

(b) The County shall not be obligated to indemnify the Veterans Assistance Commission for:

1. Punitive damages or liability arising out of conduct which is based upon willful or wanton conduct.
2. Conduct which is outside of the scope of the Veterans Assistance Commission authority.
3. Any settlement or judgment in which the County did not participate.
4. The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the Veterans Assistance Commission shall be obligated to:

1. Notify, within five days of receipt, the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any claim made against the delegate member or Veterans Assistance Commission and deliver all written demands, complaints and other legal papers, received by the practitioner with respect to such claim to the Department of Risk Management.
2. Cooperate with the State's Attorney's Office in the investigation and defense of any claim against the County or any delegate member, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.
3. Promptly notify the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any change in the delegate member's or Veterans Assistance Commission employees address or telephone number.

(d) All actions shall be defended by the Cook County State's Attorney. Decisions to settle indemnified claims shall be made by the County or the State's Attorney's Office, as delegated by the County, and shall not require the consent of the indemnified. If a Veterans Assistance Commissioner employee or delegate member or employee declines representation by the State's Attorney's Office, the County shall have no obligation to defend or indemnify the employee or delegate member.

Sec. 2-556. No Waiver of Governmental Immunity.

No provision of this Ordinance is intended, nor shall it be construed, as a waiver by the County of any governmental immunity provided under any applicable law.

Sec. 2-557. Veterans Assistance Commission Records, Reports, Budget, and Performance Objectives.

(a) The Veterans Assistance Commission of Cook County Veteran's shall keep and maintain

at its principal office all documents and records of the Veterans Assistance Commission. The records of the Veterans' Assistance Commission, which shall be available to the public, shall include, but not be limited to, a copy of this Ordinance, the Veterans' Assistance Commission's bylaws, policies, and any agreements, along with any amendments thereto. The records and documents shall be maintained and shall be delivered to any successor entity. All electronic data shall be stored on servers maintained or supported by Cook County Government.

(b) Financial Statements and Reports. The Veteran's Assistance Commission of Cook County shall be subject to the County's annual audit and the not-for-profit division of the Veteran's Assistance Commission of Cook County shall cause to be prepared, at the not-for-profit's expense, audited financial statements on an annual basis. Such financial statements shall be tendered annually to the County and shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm.

(c) Annual Budget.

1. The Veteran's Assistance Commission of Cook County shall prepare an annual budget in a manner and under a time frame mandated by the Cook County Budget Director.
2. For Fiscal Year 2023 and each Fiscal Year thereafter, the Veterans Assistance Commission shall recommend, approve, and submit an annual budget to be included in the President's Executive Budget Recommendation for approval by the County Board in the time frames requested by the Cook County Director of Budget and Management Services.
3. The obligations and expenditures of the Veterans Assistance Commission shall conform to the County's Annual Appropriation Ordinance. Any commitment, contract or other obligation entered into by the Veterans Assistance Commission in derogation of this Section shall be voidable by the County Board.

(d) Performance Objectives. Each Fiscal Year, the Superintendent, or other individual designated by the Veterans Assistance Commission, shall prepare, for review and approval by the County Board, objectives for the Veterans Assistance Commission of Cook County's performance.

(e) Quarterly Report.

1. The Veteran's Assistance Commission of Cook County shall submit to the President and the County Board, quarterly reports which shall set forth a complete and detailed operating and financial statement of the Veteran's Assistance Commission of Cook County during the prior Fiscal quarter.
2. Included in the report shall be any recommendations for additional legislation or other action which may be necessary to carry out the mission, purpose, and intent of the Veteran's Assistance Commission of Cook County.

Sec. 2-558. Authorized Expenditures.

The Veteran's Assistance Commission of Cook County shall in its sole discretion and within its budget, expend such funds as necessary to carry out the powers, duties, functions, and responsibilities of a Veteran's Assistance Commission of Cook County under this Ordinance.

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

Sponsors: TONI PRECKWINKLE (President)

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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5/25/2023	1	Board of Commissioners	approve	Pass
5/24/2023	1	Veterans Committee	recommend for approval	Pass
4/27/2023	1	Board of Commissioners	refer	Pass