



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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**File #:** 17-4717, **Version:** 1

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### **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

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and effect upon adoption, and shall remain in full force and effect except as amended in accordance herewith, or until superseded by new rules adopted as part of the organization of a newly constituted Board at the commencement of a term.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