

**11-O-89  
ORDINANCE**

**Sponsored by**

**THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER**

**AN AMENDMENT TO THE ADMINISTRATIVE HEARINGS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IX. Administrative Hearings, Section 2-928 of the Cook County Code is hereby amended as follows:

**Sec. 2-928. Appropriations and Representation**

(a) The Board of Commissioners shall appropriate such funds annually, as necessary, to carry out the provisions of this ordinance.

(b) The State's Attorney shall appear for and protect the rights and interests of the County in all actions, suits and proceedings brought against any administrative law officer, appointed pursuant to Section 2-903(b), including actions for damages, when brought against such officer performing duties for the County in the officer's official capacity. A lawyer representing an officer pursuant to this subsection (b) may not during such period of representation appear before such officer.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-90  
ORDINANCE**

**Sponsored by**

**THE HONORABLE JERRY BUTLER AND GREGG GOSLIN, COUNTY COMMISSIONERS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article V Cook County Health and Hospitals System, Section 38-89 of the Cook County Code, is hereby amended as follows:

**Sec. 38-89. Indemnification.**

(a) The County shall defend and indemnify patient care personnel and public health practitioners, including, but not limited to, physicians, dentists, podiatrists, fellows, residents, medical students, nurses, certified nurse assistants, nurses' aides, physicians' assistants, therapists and technicians (collectively "practitioners") acting pursuant to employment, volunteer activity or contract, if provided for therein, with the County with respect to all negligence or malpractice actions, claims or judgments arising out of patient care or public health activities performed on behalf of the CCHHS. The County shall also defend and indemnify such practitioners against liability arising out of the preparation or submission of a bill seeking payment for services provided by such practitioners for the CCHHS, to the extent such liability arises out of the negligent or intentional acts or omissions of a person or persons, other than the practitioner, acting on behalf of the CCHHS. The County shall also defend and indemnify the members of the Nominating Committee and the System Board with respect to all claims or judgments arising out of their activities as members thereof which defense and indemnification shall be subject to the same provisions which apply to the defense and indemnification of practitioners as set forth below.

(b) The County shall not be obligated to indemnify a practitioner for:

- (1) Punitive damages or liability arising out of conduct which is not connected with the rendering of professional services or is based on the practitioner's willful or wanton conduct.
- (2) Professional conduct for which a license is required but the practitioner does not hold a license.
- (3) Conduct which is outside of the scope of the practitioner's professional duties.
- (4) Conduct for which the practitioner does not have clinical privileges, unless rendering emergency care while acting on behalf of the CCHHS.
- (5) Any settlement or judgment in which the County did not participate.
- (6) The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the practitioner 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 practitioner 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 practitioner, 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 practitioner's 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 practitioner. If a practitioner declines representation by the State's Attorney's Office, the County shall have no obligation to defend or indemnify the practitioner.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-91  
ORDINANCE**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**AN ORDINANCE AMENDING THE COOK COUNTY  
ADMINISTRATIVE HEARINGS ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Part I, Chapter 2, Article IX, Section 2-908 of the Code of Ordinances, Cook County, Illinois is hereby amended as follows:

**Sec. 2-908. Instituting administrative adjudication proceedings.**

(a) Any authorized department, agency, board or commission of the County or Forest Preserve District of Cook County may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

(b) Incorporation of Forest Preserve District of Cook County Ordinances. The following Chapters in the Code of the Cook County Forest Preserve District ("Forest Preserve District") Ordinances, as they now exist, and any future amendments to said Chapters, are hereby incorporated by reference into this section:

Title 1, Chapter 4 (General Penalty)

Title 2, Chapter 1 (Aviation in Forest Preserve), Chapter 2 (Protection of Natural Features and Wildlife), Chapter 3 (Trespass in Forest Preserve) and Chapter 4 (Recreation in Forest Preserve);

Title 3, Chapter 2 (Animal Control), Chapter 2a (Animal Control-Horses), Chapter 3 (Miscellaneous Misdemeanors) and Chapter 4 (Seizures and Impoundments);

Title 4, Chapter 1 (General Motor Vehicle and Traffic Provisions), Chapter 2 (Parking), Chapter 3 (Bicycles) and Chapter 4 (Snowmobiles);

Title 5, Chapter 1 (Construction and Maintenance);

Title 6, Chapter 2 (Hawkers and Peddlers).

Said incorporated ordinances shall apply exclusively to activities or conduct which occur on properties under the control of the Forest Preserve District. Violation of said incorporated ordinances are hereby declared to be public nuisances, and may be enforced by instituting an administrative adjudication proceeding with the department of administrative hearings, as provided in this article. Any person adjudicated as having violated any of the above provisions shall be fined no less than \$50.00 or more than \$500.00 for each offense, except where the relevant provision sets out a different fine amount, the fine shall be an amount permitted under that provision. No penalty of imprisonment shall be imposed where the person is found liable through the administrative adjudication process. The procedures set out in Division 5-41 of the Counties Code shall be applicable to hearings conducted pursuant to this paragraph.

The Department of Revenue is hereby authorized to receive and collect all fines and costs assessed for violation of any ordinance or incorporated by this paragraph. A fine or sanction paid to or collected by the Department of Revenue related to the adjudication of violation of an ordinance, incorporated by this paragraph, shall be deposited into a dedicated account. On or before the fifteenth day of each month, the funds deposited in said dedicated account during the previous month shall be paid to the Forest Preserve District, less any collection and audit costs incurred by the County. Any costs related to the collection and auditing of the collected fines shall be retained by the County. Costs assessed against the respondent by the hearing officer shall be retained by the County. For purposes of enforcing any County ordinance or ordinance incorporated by this paragraph, employees of the Forest Preserve District who are bound by the Cook County Human Resource Ordinance are deemed to be code enforcement officers of the County.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-92  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT  
AND JOHN P. DALEY, COUNTY COMMISSIONER**

**NOW, THEREFORE, BE IT ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article V, Division 2, Section 2-361 is hereby amended as follows:

**Sec. 2-361. Establishment and duties.**

(a) There is hereby established, a Real Estate Management Division under the Office of the County President. The Division shall be headed by a Director designated by the President. The Director shall serve at the pleasure of the President and until a successor has been appointed and qualified. The Division shall have the following duties, responsibilities, functions, and authority:

- (1) To negotiate and make recommendations for the purchase or lease of any and all real estate, or any interest therein, necessary for the uses of the County or for such uses as the County may by law be permitted to undertake, except right-of-way purchases.
- (2) To manage or enter into agreements for the management of all real estate owned by the County except wherein the management of such real estate is otherwise provided by law.
- (3) To negotiate and make recommendations for the sale or lease of all lands and buildings or any interest therein that may be owned or acquired by the County and which is deemed not essential for County purposes.
- (4) To negotiate and make recommendations for sale of any real estate owned by the County and determined to be excess.
- (5) To manage or enter into agreements for the management of all properties acquired, and not immediately needed for right-of-way or other County purposes.
- (6) To maintain an inventory of all real estate in which the County may have an interest. That in order to maintain such inventory, it shall be incumbent upon the State's Attorney, the Superintendent of Highways, elected County officials and department heads to notify the Director in writing of any interest that the County may acquire in any real estate. The Director shall from time to time notify the County Board of all real estate or any interest therein, which is deemed nonessential for County purposes, and ask for permission to advertise for the sale of such real estate or interest therein on such terms and conditions as may be specified or authorized by the County Board.
- (7) To open and maintain a special account in a depository selected by the County Board into which shall be deposited all funds coming into the Director's hands as proceeds from the management, lease, or sale of real estate or any interest therein. The Director is further authorized to pay out of this special account all necessary expenses incidental to the management, lease, or sale of such real estate or interest therein.

- (8) To be required from time to time, as the County Board may direct, to report all monies paid into or dispersed from this special account and shall pay over at the direction of the County Board to the appropriate fund all monies remaining in the special account as proceeds from the sale of real estate or interest therein.
- (9) That the Director is authorized and directed to formulate all policies and procedures necessary to carry out the intent of this resolution.

(b) The State's Attorney, the Superintendent of Highways, and other County officials having records of sales or purchases of real estate owned by the County submit reports to the Director of such sales or purchases; and to notify the Director in writing of any interest in real estate the County may from time to time acquire. Such notice shall be given within 15 days after the occurrence of such event.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**11-O-93  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT  
AND JOHN P. DALEY, COUNTY COMMISSIONER**

**WHEREAS**, the County of Cook is a home rule unit of government as defined by Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and the affairs of its citizenry; and

**WHEREAS**, legislators, oversight bodies, those charged with governance, and the public need to know whether management and officials manage government resources and their authority properly and in compliance with laws and regulations; government programs are achieving their objectives and desired outcomes; and government services are provided effectively, efficiently, ethically, and equitably; and

**WHEREAS**, audits provide an independent, objective, nonpartisan assessment of the stewardship, performance, or cost of government policies, programs, or operations, depending upon the type and scope of the audit; and

**WHEREAS**, an internal audit function can provide objective information on the operations of government programs, assist managers in carrying out their responsibilities, and help ensure full accountability to the public; and

**WHEREAS**, recognized government auditing standards provide a framework for improved government decision making, oversight and accountability.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article IV, Division 6, Section 2-311 is hereby amended as follows:

**DIVISION 6. AUDITOR**

**Sec. 2-311. Office created.**

There is hereby created the office of County Auditor who shall be appointed by the President of the County Board and ratified by a majority of the members of the County Board.

**BE IT FURTHER ORDAINED**, by the President and the Cook County Board of Commissioners, that Chapter 2, Article IV, Division 6, Section 2-311.1 through 2-311.14 is hereby enacted as follows:

**Sec. 2-311.1 Term of Office.**

The Auditor shall serve for a term of five years, and removal from office must be for cause and by a vote of a majority of the members of the County Board. In case of a vacancy in the office of Auditor caused by death, resignation or removal from office, the vacancy shall be filled in the manner aforesaid.

**Sec. 2-311.2 Qualifications.**

The County Auditor must be a certified public accountant, licensed by the State and be in good standing in the profession.

**Sec. 2-311.3 Compensation.**

The County Auditor's compensation shall be fixed by the County Board.

**Sec. 2-311.4 Funding.**

Sufficient funds shall be proposed and approved to carry out the responsibilities specified herein.

**Sec. 2-311.5 Appointment of Employees.**

The Auditor may with the authority of the President of the County Board and in accordance with the Human Resource Rules and Procedures, employ assistants and employees the number and compensation of whom shall be fixed by the County Board.

**Sec. 2-311.6 Professional Development.**

Sufficient resources shall be made available to the Auditor and staff to ensure appropriate professional development, continuing professional education and compliance with applicable certification requirements.

**Sec. 2-311.7 Powers and Duties; Scope of Audits.**

The Auditor shall have authority to conduct financial, management and performance audits of all Cook County departments, offices, boards, activities, agencies and programs and in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill in order to independently and objectively determine whether:

(a) Activities and programs being implemented have been authorized by government Charter or Code, state or provincial law or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;

(b) The department, office, or agency is acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, and effectively and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation;

(c) The entity, programs, activities, functions, contracts, grants management, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices;

(d) The desired result or benefits are being achieved;

(e) Financial and other reports are being provided that disclose fairly, accurately, and fully all information required by law, to ascertain the nature and scope of programs and activities, and to establish a proper basis for evaluating the programs and activities including the collection of, accounting for, and depositing of, revenues and other resources;

(f) Management has established adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls; and

(g) Indications of fraud, abuse or illegal acts are valid and need further investigation.

In addition to the foregoing, the Auditor may also perform audits, reviews and special projects as directed by the President or the County Board, including but not limited to the auditing of grants, management initiatives, contracts or financial statements.

**Sec. 2-311.8 Standards.**

Audits shall be conducted in accordance with generally accepted government auditing standards.

**Sec. 2-311.9 Audit Schedule.**

At the beginning of each fiscal year, the Auditor shall submit an audit schedule to the County Board for referral to the audit committee for review and comment. The schedule shall include the proposed plan, and the rationale for the selections, for auditing departments, offices, boards, activities, subcontractors and agencies for the period. This schedule may be amended after review with the audit committee, but the Auditor shall have final authority to select the audits planned.

**Sec. 2-311.10 Access to Employees, Records and Property.**

All elected officials, officers and employees of the County and in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill shall furnish the Auditor unrestricted access to employees, information and records (including electronic data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Auditor to inspect all property, equipment and facilities within their custody. Further, all contracts with outside contractors and subcontractors shall contain a "right-to-audit" clause and provide for Auditor access to the contractor's employees and to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds.

The Auditor shall report to the County Board any matters which impede the discharge of these duties. In the event that any elected official, officer or employee of the County or in any government entity that is funded in whole or in part by the County pursuant to the County's annual appropriation bill does not provide the requested records, documents, reports and property without good cause, the County Board shall seek whatever legal remedies are available.

**Sec. 2-311.11 Agency Response.**

A final draft of the audit report will be forwarded to the audited agency for review and comment regarding factual content prior to its release. The agency must respond in writing, specifying (i) agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations; (ii) plans for implementing solutions to issues identified; (iii) a timetable to complete such activities. The response must be forwarded to the Auditor within 15 working days. The Auditor will include the agency's response in the report. If no response is received, the Auditor will note that fact in the transmittal letter and will release the audit report.

**Sec. 2-311.12 Audit Reports.**

The Auditor shall submit all audit reports prepared pursuant to this section simultaneously to the President and the County Board.

All audit reports, written audit comments, recommendations, and responses resulting from the duties under this section are public documents and will be made available for public inspection subject to any legally required redactions.

**Sec. 2-311.13 Report of Irregularities.**

If, during an audit, the Auditor becomes aware of abuse or illegal acts or indications of such acts that could affect the government entity, the Auditor shall report the irregularities to Independent Inspector General and/or the audit committee, the President and the County Board.

**Sec. 2-311.14 Audit Follow-up.**

The Auditor shall follow-up on audit recommendations as practical to determine if corrective action has been taken. The Auditor may request periodic status reports from audited agencies regarding actions taken to address reported deficiencies and audit recommendations.

Approved and adopted this 18th day of October 2011.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk