

SECOND NEW ITEMS AGENDA

**Meeting of the Cook County Board of Commissioners
County Board Room, County Building
Tuesday, December 18, 2012, 10:00 A.M.
Issued: Tuesday, December 18, 2012

PRESIDENT

PROPOSED ORDINANCE

NEW ITEM #3

Submitting a Proposed Ordinance sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners and BRIDGET GAINER, County Commissioner

ORDINANCE CREATING THE COOK COUNTY LAND BANK AUTHORITY

BE IT ORDAINED, by the Cook County Board of Commissioners that Part II, Land Development Ordinances, Chapter 103, Land Bank Authority, Section 103-1 through 103-71 of the Cook County Code are hereby enacted as follows:

Division 1. General Provisions

Sec. 103-1. Short title.

This Ordinance shall be known and may be cited as the "Ordinance Establishing the Cook County Land Bank Authority."

Sec. 103-2. Declaration.

The County Board hereby establishes the Cook County Land Bank Authority which shall be an agency of and funded by Cook County.

Sec. 103-3. 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.

Board of Directors means the Board of Directors of the Cook County Land Bank.

Chairperson means the chairperson of the Cook County Land Bank Board.

PRESIDENT(continued)

NEW ITEM #3 cont'd

County means Cook County, Illinois.

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

Director means the Executive Director of the Cook County Land Bank.

Fiscal Year means the fiscal year of the Land Bank, which shall begin on December 1st of each year and end on the following November 30th.

Land Bank means the Cook County Land Bank Authority, created by this Ordinance pursuant to the County's home rule powers.

Member means a member of the Board of Directors.

Ordinance means this ordinance creating the Cook County Land Bank.

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.

Real Property means all land and the buildings thereon, all things permanently attached to land or to the buildings thereon, and any interest existing in, issuing out of, or dependent upon land or the buildings thereon.

State means the State of Illinois.

Sec. 103-4. Purpose.

The purpose of this Ordinance is to create the Cook County Land Bank Authority that will use available resources to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.

The Land Bank will acquire, hold, and transfer interest in real property throughout Cook County as approved by the Board of Directors for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

Sec. 103-6. Principal Office.

The principal office of the Land Bank shall be at a location within the geographical boundaries of Cook County, as determined by the Board of Directors.

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-7. Title to Land Bank Assets.

Except as otherwise provided in this Ordinance, Cook County shall hold title to all Real Property controlled by the Land Bank.

Sec. 103-8. Tax-exempt Status.

The County declares that the activities of the Land Bank are governmental functions carried out by an instrumentality or political subdivision of the State as described in Section 115 of Title 26 of the United States Internal Revenue Code, or any corresponding provisions of any future tax code. The County also intends the activities of the Land Bank to be governmental functions carried out by a political subdivision of this State, exempt to the extent provided under Illinois law from taxation by this State, including, but not limited to, ad valorem property tax exemption pursuant to the Property Tax Code, 35 ILCS 200/1-1 *et seq.*

Sec. 103-9. Waiver of Special Assessments.

Upon the request of the Land Bank and for the purposes of fostering the goals and objectives of the Land Bank, the County, as permitted by law, may extinguish special assessments levied by it prior to the date of acquisition by the Land Bank against Real Property controlled by the Land Bank, and may seek to exempt Real Property controlled by the Land Bank from the imposition of special assessments.

Sec. 103-10. Compliance with Law.

The Land Bank shall comply with all applicable federal and state laws, rules, regulations, and orders.

Sec. 103-11. No Third-Party Beneficiaries.

Except as otherwise specifically provided, this Ordinance does not create in any Person, other than the County, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to the County's rights under this Ordinance, or any other right or benefit.

Sec. 103-12 – 103-16 Reserved.

Division 2. Land Bank Authority Board of Directors and Staff

Sec. 103-17. Cook County Land Bank Board of Directors

The Land Bank shall be governed by a Board of Directors that shall be appointed by the President, subject to approval by the Cook County Board of Commissioners, within 45 (forty-five) days of the adoption of this Ordinance. Board of Directors shall be residents of Cook County. The Board of Directors shall consist of 13 (thirteen) members.

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-18. Appointment of Members

Candidates for the Board of Directors appointed by the President shall be selected from the following categories.

- (a) One (1) Cook County Commissioner to serve as an Ex-Officio Member with voting rights. The Ex-Officio Member shall serve as a liaison between the County Board and the Board of Directors;
- (b) Two (2) Suburban Cook County Mayors, Presidents or Village Managers;
- (c) One (1) representative from the City of Chicago as recommended by the Mayor of the City of Chicago;
- (d) One (1) representative from the Cook County Bureau of Economic Development;
- (e) One (1) representative from a community development finance institution;
- (f) One (1) representative from the banking community;
- (g) One (1) representative from a local or state Realtor Association;
- (h) One (1) representative from the non-profit development community;
- (i) One (1) representative from the commercial/industrial development community;
- (j) One (1) representative from the open space community;
- (k) One (1) representative from a City of Chicago community organization;
- (l) One (1) representative from a Suburban Cook County community organization.

Sec. 103-19 Term of Office.

Except as otherwise provided in this section, the members of the Board of Directors appointed under Section 103-12 shall be appointed for a term of three (3) years.

- (a) *Ex-Officio Member.* The ex-officio member shall be the appointed Cook County Commissioner who shall serve as the ex-officio member for the length of the Commissioner's term.
- (b) *The remaining Members.* The remaining twelve (12) members of the Board of Directors shall serve terms as follows:

PRESIDENT(continued)

NEW ITEM #3 cont'd

1. For the initial Members,
 - a. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2014.
 - b. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2015.
 - c. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2016.
 - d. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January 1, 2017.
2. Thereafter, the Members other than the ex-officio member appointed shall serve a term of three (3) years.
 - a. Each Member, whether initial or subsequent, shall serve until a successor is appointed.
 - b. Any Member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of his or her predecessor's term.
3. Other than the Ex-Officio Commissioner, a Member may not serve more than two (2) consecutive full terms.

Sec. 103-20. Chairperson/Members of the Board of Directors.

(a) The Board of Directors shall select the initial Chairperson of the Board from among the initial members. The Chairperson shall serve one two (2) year term as Chairperson and, thereafter, the Board of Directors shall annually elect a Chairperson from among the members.

1. The Chairperson shall preside at meetings of the Board of Directors, and is entitled to vote on all matters before the Board of Directors.
2. A Member may be elected to serve successive terms as Chairperson.

(b) The Board of Directors may appoint from its Members, a Member to serve as the Land Bank secretary and appoint such additional officers from its Members as it may deem appropriate.

Sec. 103-21. Removal.

A Member may be removed by the President of the Cook County Board prior to the expiration of the Member's term of appointment for good cause. Good cause includes inefficiency, neglect of duty, malfeasance, or any cause which renders the member unfit for the position or unable to perform the duties

PRESIDENT(continued)

NEW ITEM #3 cont'd

of the position. The President shall provide written notice to that Member, the Director and the County Board of the removal of that Member from the Board of Directors; such notice shall state the specific grounds which constitute cause for removal. The Member, in receipt of such notice, may request to appear before the County Board and present reasons in support of his or her retention. Thereafter, the County Board shall vote upon whether there are sufficient grounds to remove that Member from office. The President shall notify the Member of the final action of the County Board.

Sec. 103-22. Vacancies.

Any vacancy on the Board of Directors caused by death, resignation, disqualification, or removal shall be filled by the President as soon as practicable, but not to exceed 60 days following the occurrence of the vacancy. The vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Expired terms shall be filled by the President within 60 days of the term's expiration in the same manner as the original appointment.

Sec. 103-23. Meetings.

The Board of Directors shall conduct its first meeting no later than sixty (60) days after the appointment of the Board of Directors. The place, date, and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. All meetings of the Board of Directors shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (the "OMA").

Sec. 103-24. Bylaws, and Policies and Procedures.

The Board of Directors shall adopt bylaws, procedures and policies consistent with the provisions of this Ordinance within 120 days from the first meeting of the Board of Directors.

Sec. 103-25. Quorum and Voting.

A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors shall constitute a quorum. The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Ordinance. Presence for both quorum and voting at a Land Bank shall be articulated by the Board of Directors in its bylaws or procedures in a manner consistent with the OMA.

Sec. 103-26. Records of Meetings.

Minutes of all meetings of the Board of Directors and its Committees shall be made and maintained as required by the OMA.

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-27. Board of Directors Responsibilities.

The Board of Directors shall:

- (a) ensure that all personnel matters are conducted free from any political interference and in accordance with the provisions of the Supplemental Relief Order and Consent Decree established in the federal civil litigation filed in the Northern District of Illinois under Case No. 69 C 2145 and titled Shakman, et al. v. Democratic Organization, et al. and all applicable laws;
- (b) ensure that all operations including contractual matters are conducted free from any political interference; and
- (c) ensure efficiency in service delivery and sound fiscal management of all aspects of the Land Bank including the collection of all revenues from all sources;

Sec. 103-28. Board of Directors Actions.

The Board of Directors shall do all of the following not inconsistent with Illinois law:

- (a) adopt, amend and/or repeal rules and policies and procedures governing the Board of Directors and its actions and meetings, and adopt, amend and/or repeal policies and procedures to implement day-to-day operation of the Land Bank, including policies governing any staff of the Land Bank;
- (b) elect additional officers, including, but not limited to, initial officers who shall be elected at the first meeting of the Board of Directors, in accordance with the bylaws;
- (c) provide for a system of accounting;
- (d) adopt or amend the Land Bank's budget to submit annually to the Cook County Board of Commissioners for approval and adoption in a time frame mandated by the Cook County Budget Director;
- (e) adopt, amend and/or repeal policies and procedures for contracting and procurement which must be consistent with the provisions set forth in the County's Code; provided however, that approval of the County Board or County Procurement Officer is not required for procurement or contracts authorized by the Land Bank and the Board of Directors will act in place of the County Board in any contract, bylaws or agreement with the County which requires the approval or other action of the County Board unless expressly prohibited otherwise in this chapter and until such time as the Board of Directors adopts its own rules, regulations or procedures with regard to procurement and contracts, the existing provisions of the Cook County Code pertaining to Procurement and Contracts shall apply.
- (f) commission, collect, and receive data from public, private, professional and volunteer sources to compile an inventory and analysis of desirable properties for acquisition;

PRESIDENT(continued)

NEW ITEM #3 cont'd

- (g) establish banking arrangements for the Land Bank as per Sec. 103-58 of this Ordinance.
- (h) organize and reorganize the executive, administrative, clerical and other departments of the Land Bank and fix the duties, powers and compensation of all employees, agents and consultants of the Land Bank as per Sec.104-32 of this Ordinance

Sec. 103-29. Fiduciary Duty.

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

Sec. 103-30. Compensation.

The Members of the Board of Directors shall receive no compensation for the performance of their duties. A Member may engage in private or public employment, or in a profession or business, except to the extent prohibited by Illinois law or County ordinance. The Land Bank may reimburse members of the Board of Directors for actual and necessary expenses incurred in the discharge of their official duties as provided by the Board of Directors.

Sec. 103-31. Executive Director.

The Board of Directors shall be authorized to retain the professional services of an individual to perform the duties of an Executive Director on a contractual basis with the advice and consent of the President; the Executive Director shall not be an employee of the Land Bank or County. The Director shall administer the Land Bank in accordance with the operating budget approved by the Cook County Board of Commissioners, general policy guidelines established by the Board of Directors, other applicable governmental procedures and policies, and this Ordinance. The Director shall be responsible for the day-to-day operations of the Land Bank, the control, management, and oversight of the Land Bank's functions, and supervision of all Land Bank contractual agreements. All terms and conditions of the Director's service shall be specified in a written contract between the Director and the Board of Directors. The Director may be removed by the President of the Cook County Board or the Board of Directors for good cause, prior to the expiration of the Director's contract. Good cause includes inefficiency, neglect of duty, malfeasance, or any cause which renders the Director unfit or unable to perform the scope of work. The Board of Directors may delegate to the Director any powers or duties it considers proper, under such terms, conditions and to the extent that the Board of Directors may specify.

Sec. 103-32. Staffing Services

- (a) The Board of Directors may approve contracts for staffing as requested by the Executive Director that are deemed necessary to carry out the duties and responsibilities of the

Land Bank and in accordance with the policies and procedures established by the Board. Such staff shall be retained pursuant to contracts entered into in accordance with the procurement rules established by the Board.

PRESIDENT(continued)

NEW ITEM #3 cont'd

(b) Should the Board of Directors, elect to have employees, any staff employed by the Board of Directors for the Land Bank not otherwise retained through the Board of Directors procurement rules shall be recruited or employed via the County's employment plan and be deemed County employees.

Sec. 103-33. Ethics.

The Board of Directors shall be subject to the Cook County's ethics ordinance.

Sec. 103-34. Indemnification.

(a) The County shall defend and indemnify the Land Bank and the Members Board of Directors with respect to all claims or judgments arising out of their activities as Members with respect to all negligence claims, and claims or judgments arising out of Land Bank activities performed on behalf of the County.

(b) The County shall not be obligated to indemnify the Land Bank or Member 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 Land Bank 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 Land Bank or Member 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 Member or Land Bank 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 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 Member's address or telephone number.

PRESIDENT(continued)

NEW ITEM #3 cont'd

(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 Member. If a Member declines representation by the State's Attorney's Office, the County shall have no obligation to defend or indemnify the Member.

Sec. 103-35 – 103-40 Reserved

Division 3. General Powers of Land Bank

Sec. 103-41. General Powers.

The County, to the full extent of its constitutional and statutory authority, confers upon the Land Bank the authority to do all things necessary or convenient to implement the purposes, objectives, and provisions of this Ordinance, or the purposes, objectives, and powers granted to the Land Bank by any federal, state or local government unit, consistent with the County's Annual Appropriation Ordinance, including, but not limited to, the following:

- (a) to adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (b) to acquire by purchase, donation, or other transfers and to hold, lease, manage, and dispose of Real Property of every kind and character, or any interest therein, in furtherance of the public purposes of the Land Bank;
- (c) to discharge and extinguish Real Property taxes owed to the County or to a Party, pursuant to an Agreement with such Party, that encumber Real Property owned by the County through the Land Bank, as permitted by the Property Tax Code, 35 ILCS 200/1-1 *et seq.*, or other applicable law;
- (d) to pay any tax or special assessment due on Real Property acquired or owned by the Land Bank;
- (e) to acquire, accept, or retain equitable interests, security interests, or other interests in any Real Property or other fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, or other consensual transfer in order to secure the repayment of any moneys loaned or credit extended by the Land Bank;
- (f) borrow money from private lenders, from cities or counties, from the state or from federal government funds, subject to the approval of the County Board, to further or carry out the Land Bank's public purpose by executing leases, trust indentures, trust agreements, agreements for the sale notes, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the Land Bank, to evidence and to provide security for such borrowing.

PRESIDENT(continued)

NEW ITEM #3 cont'd

(f) to make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, gifts, guarantees, labor, or other aid or financial assistance in furtherance of the Land Bank's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(g) to enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the Land Bank;

(h) to extend credit or make loans to any Person subject to limitations established by the County Board, for the costs of any Land Bank projects or any part of the costs of any Land Bank projects which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or charges, upon such terms and conditions as the Land Bank shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds, and, in the exercise of powers granted by the County through this Ordinance in connection with any Land Bank projects, the Land Bank shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements, including but not limited to: guarantee any obligations, insurance, construction, use, operation, maintenance, and financing and such other terms and conditions, as the Land Bank may deem necessary or desirable;

(i) as security for repayment of any note, or other obligations of the Land Bank, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the Land Bank, including, but not limited to, Real Property, fixtures, and revenues or other funds, and to execute any lease, trust indenture, trust agreement, agreement for the sale of the Land Bank's notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the Land Bank, to secure any such notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any Real Property of the Land Bank upon default in any obligation of the Land Bank, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

(j) to receive and administer gifts, grants, and bequests of money and Real Property consistent with the purpose of the Land Bank;

(k) to use any Real Property or fixtures or any interest therein or to rent, license or lease such Real Property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such Real Property in any manner as it deems to be in the best interests of the Land Bank and the public purpose thereof;

PRESIDENT(continued)

NEW ITEM #3 cont'd

- (l) to procure insurance or guarantees from the State Legislature or federal government of the payments of any debts or parts thereof incurred by the Land Bank, and to pay premiums in connection therewith;
- (m) to procure, if required, insurance against losses in connection with the Real Property, assets, or activities of the Land Bank;
- (n) to enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, an Agreement with a Party for the joint exercise of powers. An Agreement with a Party may include contracts for the performance of services by a Party on behalf of the Land Bank or by the Land Bank on behalf of a Party;
- (o) to enter into partnerships, joint ventures, and other collaborative relationships with municipalities and other public and private entities for the ownership, management, development, and disposition of Real Property;
- (p) to enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, agreements with a Party regarding the disposition of Land Bank properties located within their boundaries;
- (q) to finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage Real Property or rights or interests in Real Property, and to pay the costs of any such project from the proceeds of revenue bonds, loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the Land Bank is authorized to receive, accept, and use;
- (r) to fix, charge, and collect rents, fees, licenses and charges for the use of Real Property of the Land Bank and for services provided by the Land Bank;
- (s) to grant or acquire a license, easement, lease (as lessor or lessee), or option with respect to Real Property of the Land Bank;
- (t) to enter into contracts with nonprofit community land trusts, including, but not limited to, long-term lease contracts;
- (u) to contract for goods and services and engage personnel as necessary, to be paid from the funds of the Land Bank. The Board shall determine the qualifications, duties, and compensation of those it contracts with and employs;

PRESIDENT(continued)

NEW ITEM #3 cont'd

- (v) to organize and reorganize the executive, administrative, clerical, and other departments of the Land Bank and to fix the duties, powers, and compensation of all employees, agents, and consultants of the Land Bank;
- (w) to remediate environmental contamination on any Real Property held by the Land Bank;
- (x) to acquire, hold and manage property pursuant to this Ordinance;
- (y) to dispose of property pursuant to this Ordinance; and;
- (z) to do all other things necessary or convenient to achieve the objectives and purposes of the Land Bank or other laws that relate to the purposes and responsibilities of the Land Bank.

Sec. 103-42. 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. 103-43. Non-Discrimination.

The Land Bank shall comply with all applicable laws prohibiting discrimination.

- (a) The Land Bank shall not provide services in a manner that discriminates against an individual because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.
- (b) The Land Bank shall not fail or refuse to hire, recruit, promote, demote, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

Sec. 103-44 – 103-48 Reserved.

Division 4. Real Property Acquisition, Management and Disposition

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-49. Acquisition of Real Property.

(a) The Land Bank may acquire Real Property or rights or interests in Real Property by gift, bequest, transfer, exchange, foreclosure, purchase, purchase contracts, lease purchase agreements, installment sales contracts, land contracts, tax sale, scavenger sale or otherwise, on terms and conditions and in a manner the Land Bank considers proper.

(b) The Land Bank may acquire any property conveyed to it by the State of Illinois, a foreclosing governmental unit, a unit of local government, an intergovernmental entity created under the laws of the State of Illinois, or any other public or private person, including, but not limited to, property without clear title.

(c) All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the Land Bank, including agreements to acquire or dispose of real property, shall be approved by and executed by the Land Bank, in the name of the County.

(d) The Land Bank shall have the right to purchase properties, in the name of the County, at tax sales conducted in accordance with the Property Tax Code, 35 ILCS §200/1-1 *et seq.* The Land Bank may tender a bid at a tax sale that is a credit bid, consisting of the obligation of the Land Bank to satisfy the component parts of the bid by payments to the respective political subdivisions.

(e) The Land Bank shall have the right to make offers to purchase properties that are subject to a listing agreement; said offer or purchase of a property by the Land Bank that is subject to a listing agreement shall not extinguish any legal rights existing under the listing agreement.

Sec. 103-50. Execution of Legal Documents Relating to Property.

All deeds, mortgages, contracts, easements, leases, licenses, franchises, purchases, covenants or other agreements regarding Real Property of the Land Bank, including agreements to acquire or dispose of Real Property, shall be executed in the name of the County by the Land Bank and approved in accordance with the bylaws of the Land Bank.

Sec. 103-51. Holding and Managing Property.

The Land Bank may control, manage, maintain, operate, repair, lease as lessor, license, secure, prevent the waste or deterioration of, demolish, and take all other actions necessary to preserve the value of the Real Property it controls on behalf of the County. The Land Bank shall maintain all such Real Property held by the Land Bank in accordance with applicable laws and codes. Such Real Property shall be inventoried and classified by the Land Bank according to suitability for use. The inventory shall be maintained as a public record and shall be filed electronically and in the principal office of the Land Bank

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-52. Property Disposition.

On terms and conditions, and in a manner and for an amount of consideration the Land Bank considers proper, fair, and reasonable, including for no monetary consideration if appropriate, the Land Bank may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of Real Property or rights or interests in Real Property which the Land Bank controls and the County holds a legal interest to any public or private Person. The transfer and use of property under this section and the exercise by the Land Bank of powers and duties under this Ordinance shall be considered a necessary public purpose and for the benefit of the public.

Sec. 103-53. Criteria for Conveyance.

Real Property shall be conveyed by the Land Bank in accordance with this Ordinance and according to criteria determined in the discretion of the Board and contained in the policies and procedures adopted by the Board. The Board may adopt policies and procedures that set forth priorities for a transferee's use of Real Property conveyed by the Land Bank, including, but not limited to, affordable housing.

Sec. 103-54. Transactions

Transactions shall be structured in a manner that permits the Land Bank to enforce contractual agreements, real covenants, and the provisions of any subordinate financing held by the Land Bank pertaining to development and use of the Real Property.

Sec. 103-55. Disposition of Proceeds.

Any proceeds from the sale or transfer of Real Property by the Land Bank shall be retained, expended, or transferred by the Land Bank as determined by the Board in the best interests of the Land Bank and in accordance with applicable laws and Agreements.

Division 5. Intergovernmental Agreements

Sec. 103-56. Intergovernmental Agreements

(a) The Board of Directors may negotiate and propose Agreements necessary, incidental, or convenient to the performance of its duties and the exercise of its powers with a local unit of government located in whole or in part within Cook County, subject to the approval of the County Board. Such an Agreement may include, but are not be limited to, contracts for the joint exercise of powers, contracts for the ownership, management, development, and disposition of Real Property, or contracts for the performance of services by a local unit of government on behalf of the Land Bank or by the Land Bank on behalf of a local unit of government.

(b) The parties to the intergovernmental agreements shall agree that no party to an intergovernmental agreement shall be responsible, in whole or in part, for the acts of the employees, agents, and servants of any other party, whether acting separately or in conjunction with the implementation of an Agreement. The parties shall only be bound and obligated under an Agreement as expressly agreed to by each party.

PRESIDENT(continued)

NEW ITEM #3 cont'd

(c) All agreements shall in all respects be interpreted, enforced, and governed under the laws of the State of Illinois without regard to the doctrines of conflict of laws. The language of all parts of an Agreement shall in all cases be construed as a whole according to its plain and fair meaning, and not construed strictly for or against any Party.

Division 6. Books, Records, Finances and Expenditures

Sec. 103-58. Land Bank Records.

The Land Bank shall keep and maintain at the principal office of the Land Bank all documents and records of the Land Bank. The records of the Land Bank, which shall be available to the public, shall include, but not be limited to, a copy of this Ordinance, the Land

Bank's bylaws, and any agreements, along with any amendments thereto. The records and documents shall be maintained and shall be delivered to any successor entity.

Sec. 103-59. Financial Statements and Reports.

The Land Bank shall cause to be prepared, at the Land Bank's expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance) on an annual basis. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm.

Sec. 103-60. Annual Budget.

(a) The Land Bank shall prepare an annual budget in a manner and under a time frame mandated by the Cook County Budget Director.

(b) For Fiscal Year 2014 and each Fiscal Year thereafter, the Board of Directors shall recommend, approve and submit an annual budget to be included in the President's Executive Budget Recommendation for approval by the County Board.

(c) The obligations and expenditures of the Board of Directors shall conform to the County's Annual Appropriation Ordinance; provided that the County Board retains the authority to impose additional limitations. Any commitment, contract or other obligation entered into by the Board in derogation of this Section shall be voidable by the County Board.

Sec. 103-61. Deposits and Investments.

The Land Bank shall deposit funds of the Land Bank in a special fund to be held by the Treasurer of the County, to be designated as the "Land Bank Fund" and to be expended exclusively for the operation of the Land Bank.

PRESIDENT(continued)

NEW ITEM #3 cont'd

Sec. 103-62. Disbursements.

Expenditures of funds from the Land Bank Fund shall be in accordance with guidelines established by the Board of Directors.

Sec. 103-63. Performance Objectives.

Each Fiscal Year, the Director, or other individual designated by the Board of Directors, shall prepare, for review and approval by the Board of Directors, objectives for the Land Bank's performance.

Sec. 103-64. Annual Report.

(a) The Board of Directors shall submit to the President and the County Board, within six months after the end of each Fiscal Year, a report which shall set forth a complete and detailed operating and financial statement of the Land Bank during such Fiscal Year.

(b) 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 Land Bank.

Sec. 103-65. Management of Funds.

The Director, or other individual designated by the Board of Directors, shall be authorized to make deposits and withdraw funds from the Land Bank Fund for the management of sales proceeds, revenue, and other Land Bank funds as authorized by the Board of Directors. Standard accounting procedures shall be used in the management of accounts and approved by the Cook County Comptroller.

Sec. 103-66. Authorized Expenditures.

The Land Bank 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 land bank under this Ordinance.

Division 7. Dissolution, Distribution of Assets

Sec. 103-67. Dissolution.

Upon determining that the purposes of the Land Bank have been completed and that there is no longer a need for the Land Bank's continued existence, the Board of Commissioners may repeal this Ordinance and dissolve the Land Bank, provided however that the effective date of any such repeal shall provide sufficient time for the Land Bank to carry out the provisions set forth in Sec. 103-64.

Sec. 103-68. Distribution of Assets.

As soon as possible after notice of the repeal of this Ordinance, the Land Bank shall finish its affairs as follows:

(a) all of the Land Bank's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Land Bank and distribution of its assets shall be paid first; and

PRESIDENT(continued)

NEW ITEM #3 cont'd

(b) the remaining Real Property and personal property owned by the Land Bank, if any, shall be distributed to any successor entity, subject to approval by the County. In the event that no successor entity exists, the remaining Real Property and personal property, and other assets of the Land Bank, shall become assets of the County, unless provided otherwise in any applicable Agreements.

Division 8. Miscellaneous

Sec. 103-69. Interpretation of Ordinance.

All powers granted to the Land Bank under this Ordinance shall be interpreted broadly to effectuate the intent and purposes of this Ordinance and not to serve as a limitation of powers.

Sec. 103-70. Severability of Provisions.

The invalidity of any clause, sentence, paragraph, subdivision, section, or portion thereof, shall not affect the validity of the remaining provisions of this Ordinance.

Sec. 103-71. Terminology.

All terms and words used in this Ordinance, regardless of the number, are deemed to include any other number as the context may require.

Effective date: This ordinance shall be effective immediately upon approval and adoption.

NEW ITEM #4

PROPOSED ORDINANCE AMENDMENT

Sponsored by

TONI PRECKINKLE, President and JESUS G. GARCIA and PETER N. SILVESTRI, County Commissioners

AMENDING PUBLIC HEALTH AND PRIVATE NUISANCE ORDINANCE

WHEREAS, an amendment to clarify the relationship between the Department of Public Health and the Department of Building and Zoning is timely given the recent enactment of the Cook County Vacant Building Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 38, Health and Human Services, Section 38-51 through Section 38-55, of the Cook County Code is hereby amended as follows:

PRESIDENT(continued)

NEW ITEM #4 cont'd

Sec. 38-51. - Purpose and jurisdiction.

- (a) *Title.* This article shall be known as the "Public Health and Private Nuisance Ordinance" of Cook County, Illinois.
- (b) *Purpose.* This article shall be liberally construed and applied to protect and improve the public health and the quality of life for ~~citizens~~ individuals residing in the unincorporated area of Cook County.
- (c) *Jurisdiction.* The provisions of this article apply to the unincorporated area of Cook County and such other areas as may be designated by the Cook County Board of Commissioners in accordance with State Statutes but excluding all publicly owned property or rights-of-way under the jurisdiction of any governmental agency.
- (d) *Enforcing Authority.* The Cook County Department of Public Health and Cook County Sheriff shall enforce this Ordinance with respect to all properties within the area of jurisdiction described above, including vacant lots, but excluding vacant buildings which shall be enforced by the Cook County Department of Building and Zoning as defined in the Cook County Vacant Building Ordinance, Sec. 102-2 et seq..
- ~~(d)~~(e) *Severability.* If any section, paragraph, sentence, clause or phrase of this article is declared unconstitutional or the application thereof is held invalid, it shall not affect the validity of the remainder of this article and the application of such provisions to other persons and circumstances.

Sec. 38-52. - Definitions.

Unless the context clearly requires otherwise, the words and phrases set forth herein shall have the meanings set forth in this article. Words and phrases not defined in this article shall have the meaning indicated by common dictionary definition.

Compost shall mean a humus-like product derived from the process of composting waste, which may be used as a soil conditioner.

Compost bin shall mean a structure constructed of durable nontoxic, noncarcinogenic material, such as rot-resistant wood, block, or sturdy woven wire fencing, for the purpose of containing a compost pile, or a commercially available container designed specifically for composting, distinct from a garbage or waste container.

Composting shall mean the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Only materials generated by the residents of the property where the compost pile or bin is located are permitted to be composted. Examples of permitted materials include: grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, evergreen cones or needles, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available ingredients specifically designed to speed or enhance decomposition. Examples of prohibited materials include: ~~fats, oils,~~

PRESIDENT(continued)

NEW ITEM #4 cont'd

~~grease, or lard; dairy or meat products;~~ human or pet feces; diseased plant waste; poisonous substances; chemically treated lumber, sawdust from chemically treated lumber, or other

chemically treated materials; inorganic material; and other materials that may attract vectors. Fats, oils, grease, or lard, and dairy or meat products shall only be composted in accordance with Bokashi composting methods, which require materials to be sealed in an airtight container and subsequently buried underneath soil in a sealed or rodent proofed container. Proper composting techniques including, but not limited to, timely aeration, soil addition and the monitoring of moisture content shall be maintained. Equine waste may, however, be composted in accordance with all Illinois Department of Agriculture regulations. Such composting of equine waste is only allowed in areas where the Cook County Zoning Ordinance permits keeping of horses. It is not the intent of this section to prohibit farmers or gardeners from incorporating bovine or equine waste into the soil for fertilizer.

Domestic sewage shall mean waste water emanating principally from, but not limited to: dwellings; business or office buildings; institutions; food service establishments and similar facilities; recreational, construction, office, and school trailers or similar facilities. Domestic sewage may contain, but is not limited to, human excrement, laundry waste water, kitchen and bathroom waste water, water used for cleaning, water from building floor drains, and water used for processing. The term does not include surface drainage water or footing water.

Garbage shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. Domestic sewage containing human excrement or body waste is not defined as garbage.

Health Department shall mean the Cook County Department of Public Health.

Improperly treated domestic sewage is domestic sewage that comes to the ground surface directly from any component of a conventional subsurface septic tank and seepage tile system, and domestic sewage emanating from a malfunctioning or broken public outdoor building sewer serving a structure listed in the definition for "domestic sewage" hereinabove and occurring within the property line. It is also defined as any direct surface sewage discharge from a mobile conveyance holding tank, pumper truck tank, or an improperly designed, maintained, or installed sanitary dump station. In cases where surface discharges of treated effluent have been allowed, the domestic sewage shall be deemed improperly treated if the treated effluent is not in compliance with any applicable provision of Section 905.110(d) of the Illinois Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code. (2003).

Litter shall mean paper; cigarette butts; glass; plastic; grass clippings, or other lawn, yard, or garden waste such as leaves, twigs, tree branches, and tree roots that are less than a one-half inch in diameter, uprooted weeds, shrubbery cuttings, brush, and plant stalks; needles, syringes, and lancets; carcasses of dead animals, excrement from domestic pets, manure from other domesticated animals; and other nonputrescible waste.

Mold shall mean any microscopic fungi, including mushrooms and yeasts.

PRESIDENT(continued)

NEW ITEM #4 cont'd

Person shall mean means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Serial violation shall mean one in which the violator has received two or more notices for the same or substantially similar violations from the health department within two years.

Vectors shall mean any arthropod, rat, mouse, bird, or other animal capable of carrying disease producing organisms to a human host. It does not include animals that transmit disease to humans only when used as food.

Sec. 38-53. - General provisions.

- (1) Representatives of the Health Department are hereby authorized and empowered to make all inspections of buildings, structures, property, and premises.
- (2) Representatives of the Health Department may enter all buildings, structures, property, and premises in order to enforce the provisions of this article during reasonable hours subject to reasonable notice. Such representatives shall have the authority to make such decisions and determinations as are necessary with respect to the enforcement of this article, and impose such requirements and orders as are necessary to bring such buildings, structures, property, and premises into compliance with this article.
- (3) Failure to grant access to any building, structure, property, or premises to determine compliance with this article after written notice from the Health Department is a separate violation of this article punishable in accordance with the penalties section of this article [Section 38-55].
- (4) It shall be deemed a separate violation of this article for any person to knowingly furnish any false or misleading Submission of any information or complaint either in writing or orally to the Health Department that contains false or misleading information is a separate violation of this article, and said violation shall be punishable in accordance with the penalties section of this article [Section 38-55].
- (5) When an investigation, whether based upon complaint or otherwise, ~~shall disclose~~ that a violations of this article exists, the Health Department shall give notice in writing to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises, to make such changes, alterations, repairs, or to perform such work, or to take such action to correct the violations ~~within such time as shall be designated by the Health Department. The In no event will this time period for making any corrections shall be designated by the Health Department, and shall not exceed 30 days after the service of such notice, unless otherwise authorized in writing by the Health Department's Director of Environmental Health Services.~~

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (6) In the event that satisfactory changes, alterations, repairs, work, or actions have not been ~~initiated~~made within the time ~~specified in said notice~~designated by the Health Department per Section 38-53(5) above, the Health Department ~~may~~ shall issue a citation and schedule a hearing before the Administrative Hearings Department of Cook County, pursuant to the rules and procedures of that Department, or notify the State's Attorney's Office ~~of such violations of this article or any default of such notice~~, and recommend legal prosecution. The discretion to extend the period for making any corrections beyond the time designated by the Health Department per Section 38-53(5) above shall be reserved to the hearing officer or judge.
- (7) In the event of a serial violation of any provision of this article, the Health Department may request prosecution by the State's Attorney's Office after seven days' notice, excluding weekends and county holidays, to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises.
- (8) Representatives of the Health Department are authorized to ~~request~~obtain assistance from the Cook County Sheriff's ~~Police~~Office to ~~help~~ serve an administrative warrant, a search warrant, or other notices.
- (9) If any condition not covered by this article is observed that may be injurious to the safety of the public, representatives of the Health Department ~~may~~shall request the assistance of the Cook County Department of Building and Zoning. Such matters include but are not limited to: municipal sewer systems; municipal water systems; electrical systems; plumbing; excavations; unsafe buildings; fire prevention and safety; ventilation, including air exchanges; lighting and heating; drainage; grading; standing water problems; structural integrity; occupancy; property maintenance; and similar matters where the Cook County Department of Building and Zoning has inspectional authority.
- (10) Authorization is given to members of the general public who are directly affected by any violation of this article to seek enforcement of the provisions of this article based upon the citizen's sworn by making a complaint filed with the Department of Public Health or filing a complaint with the Clerk of the Circuit Court of Cook County~~and prosecuted as provided by law.~~
- (11) The Health Department has the authority to promulgate rules and regulations to carry out the intent and purpose of this article. Failure to comply with the rules and regulations promulgated by the Health Department is a separate violation of this article punishable according to the penalties section of this article.

Sec. 38-54. - Declared nuisances.

The following are declared to be public nuisances that are injurious to the public health, and therefore, it is unlawful for any person to commit any of the following acts:

- (1) To deposit or throw garbage or litter onto the ground surface, property, or in any water course, lake, pond, spring, well or common sewer.

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (2) To allow garbage or litter to accumulate on the ground surface, property, or in any water course, lake, pond, spring, well or common sewer on property that is under their control or ownership regardless of who threw or deposited the garbage or litter there.
- (3) To deposit or throw garbage or litter into a garbage container or a waste container owned by another person without the consent of the owner or person in possession of said container.
- (4) To burn garbage in the open.
- (5) To use a garbage container or a waste container that is not fly tight.
- (6) To use a garbage container or waste container that is not constructed from nonabsorbent, durable, metal or hard plastic material and that is not provided with a tight fitting cover. The use of a plastic bag for the outside storage of garbage is prohibited, except when placed for regular scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (7) To use a garbage container or a waste container for the outside storage of garbage by a commercial establishment that is not placed on a paved, well-drained surface.
- (8) To use a garbage container or waste container that has holes or other defects for the outside storage of garbage and litter.
- (9) To fail to have garbage and/or litter removed from the premises at least once a week by a State of Illinois licensed waste hauler. A person who controls a residence or a commercial, service, industrial, or business entity located in the unincorporated area shall keep records of such removal service for at least one year, and shall make these available for inspection by the Health Department upon request. Failure to provide a current record or bill from the waste hauler at the time of the inspection will be considered prima-facie evidence that such service does not exist.
- (10) To leave the lid off a garbage container except when placed for scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (11) To use unsanitary, leaking, or defective garbage or waste containers. All containers shall be cleaned, repaired or replaced by the owner or person in control of the property.
- (12) To store, dump, or permit the accumulation of tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may hold water and harbor vectors.

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (13) To dump, deposit, drop, throw, discard, or leave litter or garbage, or to cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter or garbage upon any public or private property except as may be allowed by local or State agencies.
- (14) To dispose of health care items such as needles, syringes, lancets, and other sharp objects without first placing these objects in a hard plastic container or a metal container that are provided with a screw on lid or other tightly secured lid.
- (15) To allow pets to defecate on property owned by another person ~~or entity~~ without permission unless such waste is picked up and promptly removed from said property.
- (16) To allow pet waste to accumulate on the ground surface of property under their control or ownership regardless of who owns the domestic pet.
- (17) To have more than three adult companion animals living at any one individual residential unit. The term companion animal shall include domestic dogs, domestic cats, and ferrets. For purposes of this article, an animal shall be considered an adult when it reaches four months of age.
- (18) To discharge improperly treated domestic sewage from a sewage disposal system serving the property under their ownership or control to the ground surface, farm tiles, streams, rivers, ponds, lakes, storm sewers, roadside ditches, other collectors of water, water well, cisterns, basements, underground mines, caves, sinkholes, tunnels, wells, or in a manner that does not comply with the requirements of Ill. Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003). The existence or appearance of any fluorescein dye on the ground surface or otherwise outside of a septic tank and seepage tile system that has been so dyed shall be deemed to be prima facie evidence that such system is discharging improperly treated sewage to the ground surface in violation of this article.
- (19) To fail to provide clean and sanitary public or employee restrooms.
- (20) To improperly maintain a public or residential swimming pool, or wading pool or any other man made basin or container of water that is offensive, injurious, or dangerous to the public health.
- (21) To permit the accumulation of outdoor litter to such an extent that it may harbor vectors that are offensive, injurious or dangerous to the public health.
- (22) To compost in a manner that is not permitted in this article.

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (23) To locate or place a compost pile or bin in either the front yard or the side yard of a lot.
- (24) To use residential type compost piles or bins that are more than five feet in height and/or have a combined ground base area of more than one hundred square feet. Bins shall be structurally sound and kept in a state of good repair.
- (25) To place compost piles or bins over a drainage-way of any kind.
- (26) To allow any garbage site, premises, building, structure, or property to become infested with vectors.
- (27) To permit a water well or cistern to be unplugged, unsealed, or uncovered at any time after its abandonment for more than 30 days unless prior written approval is obtained from the health department.
- (28) To own, maintain, or keep ~~or use~~ a building or structure that is unfit for human habitation or occupancy. A building or structure is unfit for human habitation or occupancy if it does not contain any or all of the following:
 - a. Properly functioning, maintained, and installed potable water system, or
 - b. Electricity or gas for cooking and/or heating, or
 - c. Properly functioning equipment for heating the building, or
 - d. Properly functioning appliances for cooking and refrigerating food, or
 - e. A properly functioning, maintained, and installed sewage disposal system.
- (29) To own or maintain rental property that contains excessive moisture or water that has or may result in indoor mold growth.
- (30) To allow a privy vault to exist that is not fly-tight.

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (31) To leave any septic tank, cesspool, pit privy, aerobic treatment plant, or seepage pit in the ground after discontinuing its use as a component of a sewage disposal system without first having the contents pumped by a State of Illinois and Cook County-licensed septage hauler. Once pumped, the tank, cesspool, pit privy, treatment plant, or seepage pit must either be removed from the ground or broken, cracked, or crumbled and filled with sand or compacted soil.
- (32) To dispose of domestic waste by any means that is not specifically authorized by either the Illinois Environmental Protection Agency or the health department.
- (33) To maintain any building, structure, property, or premises or any part thereof that is unsanitary, unhealthy, or ~~and~~ unfit for human habitation, occupancy, or use.
- (34) To fail to ~~cut~~ maintain grass, and weeds below 10 inches in height, or to fail to cut brush in a manner that may harbor vectors.
- (35) To discharge wastewater from aerobic treatment plants in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (36) To fail to provide temporary toilet facilities at a construction site.
- (37) To construct, install, repair, modify or maintain a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (38) To pump, haul, and/or dispose of waste from a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (39) To fail to provide the vertical and/or horizontal separation distance between water lines and sewer lines in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (40) To add prohibited materials to a private sewage disposal system.
- (41) To use septage disposal methods that do not comply with 77 Ill. Adm. Code 905, Private Disposal Licensing Act and Code (2003).
- (42) To install a private sewage disposal system that is not installed according to the approved plans.

PRESIDENT(continued)

NEW ITEM #4 cont'd

- (43) To fail to obtain the requisite permit to collect septage or to transport septage through Cook County.

Sec. 38-55. – Penalties and Adjudication.

- (a) ~~Any person, firm, company or corporation that is found guilty of violating~~ determined to have violated any provision of this article, shall be issued a citation and subject to a fine of \$350 - \$1,000 for the first violation, a fine of \$500 - \$2,000 for the second violation, and a fine of \$1,000 - \$6,000 for each subsequent violation. ~~or fails to comply with any rule, regulation, or order issued by a representative of the Health Department shall be fined not less than \$500.00 or more than \$1,000.00 for each violation. A person or entity found guilty of an offense may be subject to between 15 to 30 days imprisonment, confinement or equivalent community service. A person or entity found guilty of committing a repeat violation of any provision of this article shall be fined not less than \$1,000.00 or more than \$5,000.00. A person or entity found guilty of a repeat offense may be subject to between 30 days and 180 days imprisonment, confinement or equivalent community service. For purposes of determining a repeat violation, a repeat violation is a violation of this article that occurs within two years of the same or a substantially similar violation of this article. the first violation of a provision of this article must have occurred within two years of the second violation of the provision.~~
- (b) In addition to any penalty provided by this article, the health department may request that the Cook County State's Attorney initiate action to obtain injunctive relief in the Circuit Court of Cook County, Illinois, including the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition as enumerated in this article.
- (c) ~~All penalties assessed by the Court under this article shall be payable to the health department for deposit with the Cook County Treasurer's Office. Only checks or money orders made payable to the health department will be accepted.~~

Administrative adjudication. Any person issued a notice of violation of any provision of this article may request an administrative hearing.

(1) Notice.

- a. Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

PRESIDENT(continued)

NEW ITEM #4 cont'd

b. Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

c. The County shall notify the violator, within ten days, by certified mail return receipt requested, that an administrative adjudication hearing will be conducted. The hearing shall be scheduled and held, unless continued by order of the administrative law officer, no later than 30 days after the date of the violation.

(2) Administrative hearings.

a. Any administrative adjudication proceeding conducted by the County shall afford the parties an opportunity for a hearing before an administrative law officer.

b. An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided for such purpose.

c. While the case for the County will not be presented by the administrative law officer; documentary evidence, however, including the notice of violation, which has been prepared by the Sheriff or the Department of Public Health, may be presented at the hearing by the administrative law officer.

d. The administrative law officer may grant continuances only upon a finding of good cause.

e. All testimony shall be given under oath or affirmation.

f. The administrative law officer may permit witnesses to submit their testimony by affidavit.

g. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

h. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.

PRESIDENT(continued)

NEW ITEM #4 cont'd

i. Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

j. The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.

k. Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with this article or other applicable provisions of the County Code; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose

l. In the issuance of a final determination of liability, an administrative law officer shall inform the violator of his or her right to seek judicial review of the final determination.

(3) Hearing procedures not exclusive. The use of the administrative adjudication procedure for above listed nuisance violations shall not preclude the county from using other methods to enforce the provisions of article.

(d) All penalties assessed by the Department of Administrative Hearings shall be payable to the Department of Revenue, in accordance with Chapter 2, Article IX, Sec. 2-921 of the Cook County Code. All penalties assessed by the Circuit Court under this article shall be collected by the Cook County Clerk of Court for deposit with the Cook County Treasurer's Office. ~~The complaining party, in any case brought by a private citizen, shall be allowed to recover their court costs, filing fees, and their attorney's fees from the defendant if the court finds in favor of the plaintiff.~~

(e) The petitioner, in any case brought by a private person, shall be allowed to recover their court costs, filing fees, and ~~their~~ attorney's fees from the respondent if the court finds in favor of the petitioner.
~~The responding party, in any case brought by a private citizen, shall be allowed to recover their court costs, and attorney's fee from the private party in any~~

PRESIDENT(continued)

NEW ITEM #4 cont'd

(f) The respondent, in any case brought by a private person, shall be allowed to recover their court costs, filing fees, and attorney's fees from the petitioner if the court finds in favor of the respondent.

Effective Date: This Ordinance Amendment shall be in effect 60 days following adoption.

BUREAU OF HUMAN RESOURCES

PROPOSED RESOLUTIONS

NEW ITEM #5

Transmitting a Communication dated, December 18, 2012 from

MAUREEN O'DONNELL, Chief, Bureau of Human Resources

Transmitting herewith a Collective Bargaining Agreement for your consideration and approval.

Submitting a Proposed Resolution sponsored by:

TONI PRECKWINKLE, President, Cook County Board of Commissioners

APPROVING COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the Illinois Public Employee Labor Relations Act (5 ILCS 315/1 et seq.) has established regulations regarding collective bargaining with a union; and

WHEREAS, a Collective Bargaining Agreement for the period of December 1, 2008 through November 30, 2012, effective the date of approval by the Cook County Board of Commissioners, has been negotiated between the County of Cook and the American Federation of State, County and Municipal Employees Union, Council 31, AFL-CIO (AFSCME) representing Cook County Health Facilities Employees; and

WHEREAS, general wage increases and salary adjustments have already been approved and are reflected in the Salary Schedules included in the Collective Bargaining Agreement negotiated between the County of Cook and the American Federation of State, County and Municipal Employees Union, Council 31, (AFSCME); and

NOW THEREFORE BE IT RESOLVED, that the Cook County Board of Commissioners does hereby approve the Collective Bargaining Agreement between the County of Cook and the American Federation of State, County and Municipal Employees Union, Council 31, (AFSCME) as provided by the Bureau of Human Resources.

BUREAU OF HUMAN RESOURCES (continued)

NEW ITEM #6

Transmitting a Communication dated, December 18, 2012 from

MAUREEN O'DONNELL, Chief, Bureau of Human Resources

Transmitting herewith a Collective Bargaining Agreement for your consideration and approval.

Submitting a Proposed Resolution sponsored by:

TONI PRECKWINKLE, President, Cook County Board of Commissioners

APPROVING COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the Illinois Public Employee Labor Relations Act (5 ILCS 315/1 et seq.) has established regulations regarding collective bargaining with a union; and

WHEREAS, a Collective Bargaining Agreement for the period of December 1, 2008 through November 30, 2012, effective the date of approval by the Cook County Board of Commissioners, has been

negotiated between the County of Cook and the Fraternal Order of Police (FOP) representing the Oak Forest Health Facilities Security Officers; and

WHEREAS, general wage increases and salary adjustments have already been approved and are reflected in the Salary Schedules included in the Collective Bargaining Agreement negotiated between the County of Cook and the Fraternal Order of Police (FOP); and

NOW THEREFORE BE IT RESOLVED, that the Cook County Board of Commissioners does hereby approve the Collective Bargaining Agreement between the County of Cook and the Fraternal Order of Police (FOP) as provided by the Bureau of Human Resources.

NEW ITEM #7

Transmitting a Communication dated, December 18, 2012 from

MAUREEN O'DONNELL, Chief, Bureau of Human Resources

Transmitting herewith an Interest Arbitration Award and Salary Schedule for your consideration and approval.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners

Proposed Resolution

BUREAU OF HUMAN RESOURCES (continued)

NEW ITEM #7 cont'd

**RESOLUTION APPROVING AN INTEREST ARBITRATION AWARD AND
SALARY SCHEDULE**

WHEREAS, the County of Cook/Sheriff of Cook County and The International Brotherhood of Teamsters, representing Deputy Sheriffs, entered into a Compulsory Interest Arbitration under the Illinois Public Employee Labor Relations Act (5 ILCS 315/1, et seq.); and

WHEREAS, an Interest Arbitration Award has been issued concerning unresolved salary issues covering the period of December 1, 2010 through November 30, 2012.

NOW THEREFORE BE IT RESOLVED, that this Award and Salary Schedule shall be submitted to the Cook County Board of Commissioners for consideration; and

BE IT FURTHER RESOLVED, that the Award is approved and that the Chief of the Bureau of Human Resources and the Cook County Comptroller are hereby authorized to implement the Salary Schedule and wage adjustments as indicated in the Award.

NEW ITEM #8

Transmitting a Communication dated, December 18, 2012 from

MAUREEN O'DONNELL, Chief, Bureau of Human Resources

Transmitting herewith an Interest Arbitration Award and Salary Schedule for your consideration and approval.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners

Proposed Resolution

**RESOLUTION APPROVING AN INTEREST ARBITRATION AWARD AND
SALARY SCHEDULE**

WHEREAS, the County of Cook/Sheriff of Cook County and The International Brotherhood of Teamsters, representing Deputy Sheriffs, entered into a Compulsory Interest Arbitration under the Illinois Public Employee Labor Relations Act (5 ILCS 315/1, et seq.); and

WHEREAS, an Interest Arbitration Award has been issued concerning unresolved salary issues covering the period of December 1, 2010 through November 30, 2012.

NOW THEREFORE BE IT RESOLVED, that this Award and Salary Schedule shall be submitted to the Cook County Board of Commissioners for consideration; and

BUREAU OF HUMAN RESOURCES (continued)

NEW ITEM #8 cont'd

BE IT FURTHER RESOLVED, that the Award is approved and that the Chief of the Bureau of Human Resources and the Cook County Comptroller are hereby authorized to implement the Salary Schedule and wage adjustments as indicated in the Award.
