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TONI PRECKWINKLE

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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

PATRICK M. BLANCHARD
INSPECTOR GENERAL

69 West Washington
Suite 1160
Chicago, Illinois 60602
TEL (312) 603-0350
FAX (312) 603-9948

May 11, 2012

Via Hand Delivery

Honorable Gregg Goslin
Cook County Board of Commissioners
118 North Clark Street, Room 567
Chicago, Illinois 60602

Re: Proposed Amendment to OIIG Ordinance

Dear Commissioner Goslin:

As we discussed, enclosed is a proposed amendment to the Office of the Independent Inspector General Ordinance, Code of Ordinances, Cook County, Illinois, ch. 2, art. IV (2007), to address issues raised by our recent investigation regarding Trustees appointed to the Northfield Woods Sanitary District in Glenview, Illinois. The proposed amendment is in the form of a new section, Section 2-285.1, addressing Board or Commission Appointees.

Thank you for your consideration of this issue. Please let me know if you have any questions or would like to discuss this matter further.

Very truly yours,

Patrick M. Blanchard
Independent Inspector General
(312) 603-0364

cc: Steven E. Cyranoski, OIIG General Counsel



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⁽²⁾ **Editor's note**— Ordinance No. 07-O-52, adopted July 31, 2007, amended div. 5, §§ 2-281—2-291, in its entirety and enacted similar provisions to read as herein set out. Former div. 5 derived from Ord. No. 98-O-20, adopted Sept. 15, 1998.

Sec. 2-281. - Establishment.

Sec. 2-282. - Qualifications, appointment, and term.

Sec. 2-283. - Purpose of office.

Sec. 2-284. - Functions, authority and powers.

Sec. 2-285. - Cooperation.

Sec. 2-286. - Subpoenas.

Sec. 2-287. - Quarterly reports.

Sec. 2-288. - Summary reports.

Sec. 2-289. - Confidentiality; public statements.

Sec. 2-290. - Removal of Independent Inspector General.

Sec. 2-291. - Violations and penalties.

Sec. 2-292. - Severability.

Sec. 2-293. - Effective date.

Secs. 2-294—2-310. - Reserved.

Sec. 2-281. - Establishment.

There is hereby established an office of County Government ("County") to be known as the Office of Independent Inspector General ("OIIG"). The Independent Inspector General shall head the OIIG. The organization and administration of the OIIG shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Independent Inspector General. The OIIG shall include an inspector general and such deputies, assistants and other employees as may be provided in the annual appropriation ordinance.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-282. - Qualifications, appointment, and term.

- (a) The Independent Inspector General shall be a person who has:
- (1) A four-year degree from an accredited institution of higher learning; and
 - (2) A minimum of ten years of federal, state, or local government experience as a law enforcement officer, attorney or judge; and
 - (3) Prior work experience managing and completing complex investigations involving allegations of fraud, theft, deception, or conspiracy.
- (b) The Independent Inspector General shall be appointed through the following process:
- (1) With respect to the appointment of the initial Independent Inspector General:
 - a. The President of the Cook County Board of Commissioners ("President") shall request from the Cook County Bar Association and the Chicago Bar Association (the "Bar Associations"), the names of three (3) candidates (the "Candidate List") who are duly

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qualified and do not possess a personal or business relationship with any county elected official. The Candidate List shall be accompanied by each candidate's resume, qualifications, and a brief statement detailing each individual's credentials for the appointment of Independent Inspector General. The Bar Associations shall submit the Candidate List within 75 days of the President's request for same. The Bar Associations shall provide the Board of Commissioners ("County Board") with progress reports as to the status of the search. Progress reports shall be due on the 30th, 60th, and 75th day subsequent to the President's request. The County Board shall receive and file said progress reports at the meeting of the County Board next succeeding each due date abovementioned. In the event the Bar Associations do not submit the Candidate List within 75 days of the President's request, the County Board may waive the Bar Associations' participation and recommend alternative groups or associations to complete the Candidate List.

b. The President shall submit the Candidate List to a bipartisan selection committee ("Selection Committee"), which the President appoints and consists of: four Commissioners (two representing the majority party and two representing the minority party of the County Board), the Cook County State's Attorney and the Director of the Cook County Board of Ethics. The Selection Committee shall conduct interviews and/or any other such investigations of the candidates as the Selection Committee deems fit, and shall call a vote, within 30 days of the President's submission of the Candidate List unless additional time is necessary to complete pending investigations. However, any extension shall not exceed 30 days, to determine which candidate from the Candidate List shall be submitted to the County Board for consideration for the office of Independent Inspector General. With respect to the vote of the Selection Committee, the President shall maintain his ex officio nonvoting status as governed in Subsection 2-105(c)(2) of the Cook County Code of Ordinances. If no candidate receives a majority vote for submission to the County Board, the President shall cast the deciding vote. The Candidate which the Selection Committee selects shall be submitted to the County Board for consideration at the meeting of the Board next succeeding the vote of the Selection Committee.

c. The County Board shall call a vote for the appointment of the Candidate to the office of Independent Inspector General no later than the second meeting of the County Board following the Selection Committee's selection and submission to the Board. If the Candidate does not receive a majority vote, the nomination shall become null and void and the Selection Committee shall select a new Candidate from the remaining two candidates on the Candidate List. If none of the candidates from the Candidate List receives a majority vote, the Bar Associations shall supply a new Candidate List. Any subsequent Candidate List shall be submitted to the President within 14 days of the President's request for same.

(2) With respect to the appointment of any Independent Inspector General subsequent to the initial Independent Inspector General:

a. Upon the occurrence of either a vacancy or anticipated vacancy in the position of Independent Inspector General (the "Vacancy"), the Board shall consider, at the first regularly scheduled meeting of the Board immediately succeeding the Vacancy, the selection of a professional group or association to determine the identity of a national executive search firm (the "Search Firm Selecting Association") to perform executive search services and to create a pool of the 20 most qualified candidates for the position of Independent Inspector General, produced by the search (the "Pool"). The Board shall vote on the selection of the Search Firm Selecting Association no later than the second regularly scheduled meeting of

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the Board, exclusive of all special and emergency meetings, immediately succeeding the Vacancy.

1. The Search Firm Selecting Association shall determine the identity of the national executive search firm no later than the fourth regularly scheduled meeting of the Board, exclusive of all special and emergency meetings, immediately succeeding the Vacancy;
 2. The national executive search firm shall perform its services and submit the identities of the candidates which comprise the Pool, including resumes, qualifications, and statements detailing each member of the Pool's credentials for the appointment of Independent Inspector General, to the Candidate Review and Submission Association, defined in Subsection 2-282(2)b. below, no later than the eighth regularly scheduled meeting of the Board, exclusive of all special and emergency meetings, immediately succeeding the Vacancy or within 60 days of the Search Firm Selecting Association's selection of the national executive search firm, whichever date is sooner;
 3. In the event the Search Firm Selecting Association, or the national search firm, does not comply with the deadlines abovementioned, the County Board may waive the Search Firm Selecting Association's or the national search firm's participation, and recommend alternative groups or associations to complete the abovementioned duties; and
 4. The Search Firm Selecting Association, or its officers, agents, employees, and members, and the national executive search firm, or its officers, agents, and employees, shall not have a personal or business relationship with any county elected official.
- b. At the meeting of the Board wherein the vote to select the Search Firm Selecting Association is executed and finalized, the Board shall consider the selection of a professional group or association to assist the national executive search firm in the search process and to comparatively review and analyze the members of the Pool (the "Candidate Review and Submission Association"). The Board shall vote on the selection of the Candidate Review and Submission Association no later than the fourth meeting immediately succeeding the Vacancy.
1. The Candidate Review & Submission Association shall complete its comparative review and analysis of the members of the Pool no later than the tenth regularly scheduled meeting of the Board, exclusive of all special and emergency meetings, immediately succeeding the Vacancy or within 30 days after receipt of all documents and materials related to the candidacy of the members of the Pool, whichever date is sooner; and
 2. The Candidate Review and Submission Association, or its officers, agents, employees, and members, shall not have a personal or business relationship with any county elected official.
- c. Within 14 days of the Candidate Review and Submission Association's completion of its comparative review and analysis of the members of the Pool, the Candidate Review and Submission Association shall provide the names of three candidates (the "Candidate List") who are duly qualified and do not possess a personal or business relationship with any county elected official. The Candidate List shall be accompanied by each candidate's resume, qualifications, and a brief statement detailing each individual's credentials for the

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appointment of Independent Inspector General. The national search firm and/or the Candidate Review and Submission Association shall provide the County Board with progress reports as to the status of the search. Progress reports shall be due at every second meeting of the County Board following the confirmation and selection of the national search firm until the submission of the Candidate List to the President. The County Board shall receive and file said progress reports at each meeting of the County Board wherein said progress reports are due. In the event the Search Firm Selecting Association, the national search firm, or the Candidate Review and Submission Association do not comply with the deadlines abovementioned, the County Board may waive the aforementioned groups' participation and recommend alternative groups or associations to complete the Candidate List.

d. The President shall submit the Candidate List to a bipartisan selection committee ("Selection Committee"), which the President appoints and consists of: four Commissioners (two representing the majority party and two representing the minority party of the County Board), the Cook County State's Attorney and the Director of the Cook County Board of Ethics. The Selection Committee shall conduct interviews and/or any other such investigations of the candidates as the Selection Committee deems fit, and shall call a vote, within 30 days of the President's submission of the Candidate List unless additional time is necessary to complete pending investigations, however, any extension shall not exceed 30 days, to determine which candidate from the Candidate List shall be submitted to the County Board for consideration for the office of Independent Inspector General. With respect to the vote of the Selection Committee, the President shall maintain his ex officio nonvoting status as governed in Subsection 2-105(c)(2) of the Cook County Code of Ordinances. If no candidate receives a majority vote for submission to the County Board, the President shall cast the deciding vote. The Candidate which the Selection Committee selects shall be submitted to the County Board for consideration at the meeting of the Board next succeeding the vote of the Selection Committee.

e. The County Board shall call a vote for the appointment of the Candidate to the office of Independent Inspector General no later than the second meeting of the County Board following the Selection Committee's selection and submission to the Board. If the Candidate does not receive a majority vote, the nomination shall become null and void and the Selection Committee shall select a new Candidate from the remaining two candidates on the Candidate List. If none of the candidates from the Candidate List receives a majority vote, the Candidate Review and Submission Association shall supply a new Candidate List. Any subsequent Candidate List shall be submitted to the President within 14 days of the President's request for same.

(3) Upon the approval of a majority vote of those elected and entitled to vote on the County Board, the candidate shall become the Cook County Independent Inspector General, with a term of six years.

(4) Upon expiration of the Independent Inspector General's term, the President may request that the County Board reappoint the Independent Inspector General to a subsequent term. The County Board may, by a majority vote of those elected and entitled to vote, reappoint the Independent Inspector General to a subsequent term. In lieu of reappointment, the President with the advice and consent of the County Board may restart the selection process for a new Independent Inspector General as outlined in this section. The incumbent Independent Inspector General may submit his or her name to the Candidate Review and Submission Association as a candidate to be considered for selection and appointment.

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(5) The Cook County Bureau of Human Resources shall be responsible for ensuring that background checks are conducted on the nominees selected by the Bar Associations and the Candidate Review and Submission Association. The results of the background checks shall be provided to the Selection Committee prior to the interviews of candidates.

(Ord. No. 07-O-52, 7-31-2007; Ord. No. 08-O-25, 3-18-2008.)

Sec. 2-283. - Purpose of office.

The purpose of the Office of Independent Inspector General is to detect, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct in the operation of County government. For purposes of this section, "unlawful political discrimination" shall be defined as follows: conduct affecting a nonexempt employee's hiring, firing or terms and conditions of employment based on political reasons and factors. Such political reasons and factors include the following:

- (a) Recommendations for hiring, promotion or other employment terms for specific persons from public officeholders or political party officials that are not based on personal knowledge of the person's work skills, work experience or other job-related qualifications.
- (b) The fact that the person worked in a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party. The mere fact that a person worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person insofar as the basis for that recommendation relates to the person's relevant work experience.
- (c) The fact that the person contributed money, raised money or provided something else of value to a candidate for public office or a political organization, or the fact that the person chose not to contribute or raise money for a candidate for public office or a political organization.
- (d) The fact that the person is a Democrat or a Republican or a member of any other political party or group, or the fact that the applicant is not a member.
- (e) The fact that the person expressed views or beliefs on political matters such as which candidates or elected officials he or she favored or opposed, which public policy issue he or she favored or opposed, or which views on government actions or failures to act he or she expressed.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-284. - Functions, authority and powers.

In addition to other powers conferred herein, the OIIG shall have the following functions, authority and powers:

- (1) To receive and register complaints and information concerning corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct in the operations of County Government; including, but not limited to any County contract, grant, lease, license, or application or certification of eligibility for the same; all County employees, departments, bureaus, boards, agencies, agents, or independent contractors; appointed officials, and elected officials in the performance of their official duties; contractors and subcontractors providing goods and services pursuant to a County contract; and all persons and business entities seeking County contracts or certification of eligibility for County contracts.

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- (a) Complaints and other documents, relating to the Independent Inspector General's investigations of elected officials, shall be verified by certification. The several matters stated in the complaints and other documents shall be stated positively or upon information and belief only, according to the fact. Nothing in this section shall restrict the Independent Inspector General from exercising his/her independent judgment, based upon an articulable suspicion, to initiate an investigation of an elected official, notwithstanding the existence of any unverified information, or documents, statements and claims submitted anonymously.
- (b) The person having knowledge of the matters stated in the complaint or other document certified in accordance with this section shall subscribe to a certification in substantially the following form: Under penalties as provided by law pursuant to Section 2-291 of the Office of Independent Inspector General Ordinance, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.
- (c) Any complaint and other document, relating to the Independent Inspector General's investigations, certified in accordance with this section may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath.
- (d) Any person who intentionally makes a false statement, material to the issue or point in question, in any complaint or other document relating to the Independent Inspector General's investigations of elected officials, and which is certified by such person in accordance with this section shall be guilty of knowingly furnishing false statements or misleading information and shall be subject to violations and penalties in Section 2-291.
- (2) To investigate corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct in operations of County Government under the Offices of the President as well as the separately elected County officials, either in response to such complaints or on the Independent Inspector General's own initiative, or in the proper case, to refer complaints and information to an outside law enforcement agency.
- (3) To promulgate rules and regulations for the conduct of investigations consistent with the requirements of equal protection, due process and this division.
- (4) To request information from and to conduct interviews under oath with County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts, for the purpose of investigation of corruption, fraud, waste, mismanagement, unlawful political discrimination, or misconduct. This includes the power to review past, present, and proposed County programs, accounts, records, contracts and transactions.
- (5) To prepare confidential reports and make recommendations for corrective action as outlined in Section 2-285.
- (6) To notify the State's Attorney or other appropriate law enforcement authority if the Independent Inspector General determines or suspects that possible criminal conduct has occurred, and to promptly tender to such authorities any evidence or information which has been obtained by the Independent Inspector General. In the event an investigation by the OIIG threatens to interfere with an investigation by a different county, city, state, or federal law enforcement agency, the OIIG will cooperate in all respects with such law enforcement agency.

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The OIIG shall acquiesce in its investigation only upon written request of another law enforcement agency.

(7) To notify the Cook County Board of Ethics if the Independent Inspector General determines that a violation of the Cook County Ethics Ordinance has occurred by submitting to the Board of Ethics a copy of the investigation report described in Section 2-288.

(8) To serve as liaison between County Government and law enforcement authorities regarding any matters which have been referred to such authorities by the Independent Inspector General.

(9) To provide quarterly reports to the President and Members of the County Board as outlined in Section 2-287.

(10) To create and maintain a toll-free "Office of the Independent Inspector General Hotline" for the purpose of receiving citizen and employee reports of corruption, fraud, waste, mismanagement, unlawful political discrimination and misconduct. The identity of any individual placing a call to the Office of the Inspector General Hotline shall be kept confidential during and after the investigation of any complaint made by the caller, unless the caller consents to disclosure of his or her name or disclosure of the caller's identity is otherwise required by law. Alternatively, reports may be made anonymously.

(11) Notwithstanding any other provision of this section, the Independent Inspector General shall cooperate with the Shakman Compliance Administrator and fulfill the obligations required in the Supplemental Relief Order entered into by Cook County in Shakman et al. vs. The Democratic Organization of Cook County, et al. No. 69 C 2145 (United States District Court for the Northern District of Illinois), including providing copies of complaints, investigating unlawful political discrimination expeditiously, reporting the results to the Shakman Compliance Administrator, and providing the Shakman Compliance Administrator with quarterly reports.

(12) The Independent Inspector General shall have, subject to budgetary allocation by the County Board, the sole power to appoint, employ, and remove such assistants, employees and personnel and establish personnel procedures as deemed necessary for the efficient and effective administration of the OIIG.

(13) To provide a proposed budget request within 90 days of his/her initial appointment and annually thereafter pursuant to the County's fiscal year budget rules and regulations.

(Ord. No. 07-O-52, 7-31-2007; Ord. No. 09-O-71, 10-6-2009.)

Sec. 2-285. - Cooperation.

(a) It shall be the duty of all County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts, to cooperate with the OIIG in the conduct of investigations undertaken pursuant to this division. Every County contract and every bid, proposal, application or solicitation for a County contract and every application for certification of eligibility for a County contract or program shall contain a statement that the person, individually and on behalf of the applicant, will abide by all provisions of this division. It shall be unlawful for any person subject to this section to refuse to cooperate with the Independent Inspector General as required by this section. The penalty for such violation shall be governed by Section 2-291.

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(b) All persons with whom the OIG requests an interview are required to comply in a timely fashion. Within constitutional limitations, failure by any County employee, official, agent, contractor, subcontractor, licensee, grantee or person or business seeking County contracts, grants, licenses, or certification of eligibility for County contracts, to cooperate with any reasonable request by the OIG carries the threat of sanctions and/or criminal contempt proceedings, and any other penalties the County Board has within its scope to assess.

(c) Nothing in this compliance section may be interpreted to allow the OIG to violate any individual's constitutional rights, including the 5th Amendment right against self-incrimination.

(d) It is the duty of every employee, department and elected official to cooperate with the Independent Inspector General in any investigation or hearing. Each department's premises, equipment, personnel, books, records and papers shall be made readily available to the Independent Inspector General.

(e) If the Independent Inspector General issues a recommendation of corrective action to the head of a County department or bureau, that department or bureau head must respond to that recommendation within 30 days with a written response to the Independent Inspector General and Chief of the Bureau of Human Resources. This response must include either (1) a description of any corrective action the department or bureau head has taken or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the department or bureau head to review the recommendation of corrective action. If the head of that department or bureau did not take any corrective action, or took a different corrective action than that recommended by the Independent Inspector General, the department or bureau head must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the Independent Inspector General and Chief of the Bureau of Human Resources within the 30-day decision period. The Independent Inspector General may approve a request for an extension of this 30-day decision period for a period of time not to exceed 30 days if additional time is needed by the head of the department or bureau to review the recommendation of corrective action.

(f) It shall be the duty of every employee of the County to report, directly and without undue delay, to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, allegations of political discrimination in nonexempt positions or other criminal activity, by another County employee or official, which concerns his or her office of employment. The knowing failure of any employee to report as required above shall constitute cause for discipline up to and including termination. For purposes of this section, a report made to the Inspector General Hotline shall be considered a direct report.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-285.1 - Board or Commission Appointees.

Board or Commission Appointees are individuals appointed by the President to Boards or Commissions created by State Statute or County Ordinance that require such appointment subject to the approval, confirmation or advice and consent of the County Board. Board or Commission Appointees must agree to be subject to the OIG Ordinance and investigation by the OIG in order to be eligible for appointment to any board or commission. The OIG Ordinance will apply to Board or Commission Appointees in the same manner, and will impose the same duties and obligations, as it does to Cook County officials.

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Sec. 2-286. - Subpoenas.

The Independent Inspector General shall be authorized to issue subpoenas to request documents or testimony related to an investigation authorized by this division. Subpoenas shall be served in the manner provided under the Rules of the Illinois Supreme Court and shall identify the person to whom the subpoena is directed and the documents or items sought, stating the date, time and place for appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for appearance or production be less than seven days after service of the subpoena. No later than the time for appearance or production requested by subpoena, the person to whom the subpoena is directed may object to the subpoena in whole or in part. The Independent Inspector General shall consider the grounds for the objection and may resolve the objection through negotiation. No documents or testimony may be sought from representatives of labor organizations relating to the function of representing an employee subject to investigation, or for documents or information which are privileged or confidential under State or Federal law, including but not limited to documents or information maintained under the Mental Health and Developmental Disabilities Confidentiality Act.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-287. - Quarterly reports.

No later than the 15th day of January, April, July and October of each year, the Independent Inspector General shall submit to the President and the County Board a publicly available report, accurate as of the last day of the preceding month, indicating:

- (1) The number and type of investigations initiated, concluded, or pending since the date of the last report.
- (2) The number and type of investigations of the conduct (corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct) of any County employee, appointed officials, elected officials, contractors, subcontractors, persons seeking County contracts, or persons seeking certification of eligibility for County contracts or other County programs.
- (3) The number of and types of investigations conducted by the OIIG regarding employees under the separately elected officials.
- (4) The number and type of recommendations made to any department heads or elected official and whether or not the recommendation was followed.
- (5) Upon receipt of such reports, the Cook County Board may take appropriate action, such as referring the report to a Board committee for further consideration, receiving and filing, approving or rejecting such report.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-288. - Summary reports.

Upon conclusion of any investigation, the Independent Inspector General shall submit a confidential summary report to the President, the appropriate head of any department or bureau to whose office the investigation pertains, the Chief of the Bureau of Human Resources and to the Purchasing Agent in the case of a sustained finding regarding a contractor, subcontractor, applicant for a contract, or person

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seeking certification of eligibility for a contract, and to the Board of Ethics in the case of a sustained finding regarding any violation of the Cook County Ethics Ordinance (Sections 2-560 through 2-603). If the Independent Inspector General has conducted any investigations regarding the office, or an employee, contractor or subcontractor of a separately elected official, the Independent Inspector General also shall submit the confidential summary report to the elected official.

(a) The report shall include the following:

- (1) A description of any complaints or other information received by the Independent Inspector General pertinent to the investigation.
- (2) A description of any illegal conduct, corruption, fraud, waste, mismanagement, unlawful political discrimination, misconduct, or inefficiencies observed or discovered in the course of the investigation.
- (3) Recommendations for correction of any illegal conduct, corruption, fraud, waste, mismanagement, unlawful political discrimination, misconduct, or inefficiencies described in the report and a timeline for corrective action.
- (4) Such other information as the Independent Inspector General may deem relevant to the investigation or resulting recommendations.

(b) The report shall not mention the name of any informant, complainant, witness, or person investigated, except in the following instances:

- (1) Where the copy of the report given to the head of any department or agency recommends disciplinary action against an employee of that agency.
- (2) Where the copy of the report given to the purchasing agent makes recommendations concerning any contractor, subcontractor, applicant for a contract, or person seeking certification of eligibility for a contract.
- (3) Where the copy of the report given to the head of a department or agency makes recommendation concerning a person seeking certification of eligibility of a program administered by the department or agency.
- (4) Where the copy given to the President and the Chief of the Bureau of Human Resources recommends disciplinary action against the head or any employee of any executive department or agency.

(c) If any investigation is not concluded within 180 days after its initiation, the Independent Inspector General shall notify the President and the Litigation Subcommittee of the general nature of the complaint or information giving rise to the investigation and the reasons for failure to complete the investigation within 180 days.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-289. - Confidentiality; public statements.

Investigatory files and summary reports concerning alleged corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct by any person shall be confidential except as provided below or required pursuant to the Supplemental Relief Order entered in the Shakman Case.

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(a) Summary reports shall not be divulged by the Independent Inspector General to any person except to the President, the head of any department or bureau to whose office the investigation pertains, the Chief of the Bureau of Human Resources, accused, Purchasing Agent where applicable and to the separately elected official to whose office the investigation pertains. If the investigation involves violations of the Cook County Ethics Ordinance, the Independent Inspector General also shall submit the confidential summary report to the Cook County Board of Ethics.

(b) Investigatory files shall be confidential, however said files may be divulged with the summary report to the Board of Ethics, the Chief of the Bureau of Human Resources and the head of any department or bureau and elected official to whose office the investigation pertains in order to effectively address matters of discipline or ethical violations. Notwithstanding the foregoing, information or evidence obtained by the Independent Inspector General which pertains to possible criminal activity may be promptly provided to the appropriate law enforcement authorities.

(c) The Independent Inspector General is authorized to issue public statements concerning:

(1) An investigation that exonerates an individual who is publicly known to have been under investigation, where the subject requests such a statement.

(2) An investigation that concerns inefficient or wasteful management, as opposed to individual misconduct or illegality.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-290. - Removal of Independent Inspector General.

The Independent Inspector General may be removed prior to the expiration of his term only for cause and in accordance with the provisions of this section. The President shall give written notice to the County Board of intent to remove the Independent Inspector General, stating the cause for removal. A copy of the notice shall be served upon the Independent Inspector General. Within ten days of receipt, the Independent Inspector General may file with the County Board a request for hearing on the cause for removal. If no such request is made within ten days, the Independent Inspector General shall be deemed to have resigned his office as of the tenth day after receipt of notice. If a request for hearing is made, the County Board shall convene a hearing on the cause for removal of the Independent Inspector General, at which the Independent Inspector General may appear and be heard. The hearing shall be convened within 14 days after the request and shall be concluded within 14 days thereafter. The hearing shall be conducted in closed session with notice given in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.). The notice of cause for removal shall constitute the charge against the Independent Inspector General. Removal of the Independent Inspector General shall require the affirmative vote of two-thirds of the members of the County Board then holding office.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-291. - Violations and penalties.

(a) It shall be a violation of this division for any person to:

(1) Retaliate against, punish, harass, threaten or penalize any other person for communicating, cooperating or assisting the Independent Inspector General in the performance of duties.

(2) Interfere, obstruct, or attempt to interfere or obstruct an investigation conducted by the Independent Inspector General.

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(b) In addition to all other available remedies, civil and criminal, the following penalties shall apply to violations of this division:

(1) Any County employee who is found to have willfully violated this division as provided in Section 2-285 or Subsection (a) of this section shall be subject to disciplinary action, up to and including discharge. Disciplinary action shall be instituted in accordance with procedures applicable to the employee, including but not limited to those established by the Merit Board, Civil Service Commission, Human Resources Board, collective bargaining agreements, employee manuals, handbooks or at-will practice of the employer.

(2) Any agent, independent contractor or appointed official found to have willfully violated this division as provided in Section 2-285 or Subsection (a) of this section shall be subject to removal.

(3) Any contractor, subcontractor, grantee, lessee or licensee under a County contract, grant, lease or license, found to have willfully violated this division as provided in Section 2-285 or Subsection (a) of this section shall be subject to termination of existing contracts, grants, leases or licenses, and/or ineligibility for consideration for future County contracts, grants, leases or licenses for a period not to exceed two years.

(4) Any person or business entity seeking County contracts or certification of eligibility for County contracts or participation in any County program found to have willfully violated this division shall be subject to ineligibility for consideration for future County contracts, grants, leases, licenses, or programs for a period not to exceed two years.

(5) Any person found to have willfully violated Section 2-285 shall also be subject to a fine of not less than \$300.00 and not more than \$500.00 for each violation.

(6) Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any complaint or other document relating to the Independent Inspector General's investigations of elected officials, and which is certified by such person in accordance with Subsection 2-284(1) shall be guilty of knowingly furnishing false statements or misleading information. Any person found to have violated, intentionally obstructed or interfered with an investigation of, or intentionally made a false, misleading or bad faith allegation or claim in accordance with Subsection 2-284(1) shall be subject to the above-listed penalties and may be further subject to a penalty of up to six months imprisonment and fines up to \$5,000.00 per violation. Actions seeking the imposition of a fine shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-292. - Severability.

If any section, subsection, clause or provision of this section is held to be invalid by a court of competent jurisdiction, the remainder of the section shall not be affected by such invalidity.

(Ord. No. 07-O-52, 7-31-2007.)

Sec. 2-293. - Effective date.

This amendatory ordinance takes effect 30 days after becoming law.

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(Ord. No. 07-O-52, 7-31-2007.)

Secs. 2-294—2-310. - Reserved.