

NEW ITEMS

Meeting of the Cook County Board of Commissioners  
County Board Room, County Building  
Tuesday, February 6, 2007, 10:00 A.M.

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PROPOSED CONTRACT ADDENDUM

ITEM #1

Transmitting a Communication, dated January 29, 2007 from

JOHN L. HIBBETT, Director, Department of Risk Management

Re: Fire Auditor Contract Extension

requesting authorization for the Purchasing Agent to extend from April 6, 2006 through September 30, 2007, Contract No. 05-42-525 with Dempsey, Myers & Company, LLP, Chicago, Illinois, for the purpose of providing consulting and auditing services to the County for the reconciliation of the fire loss at the Cook County Administration Building.

Reason: The contract with Dempsey, Myers & Company, LLP, was for a one year term commencing April 6, 2005, and was for a contract sum of \$175,000.00. Of that amount, \$59,058.19 has been expended. The services provided included a complete review and documentation of the County's total property loss; extensive negotiations with Continental Casualty Company ("CNA") and its auditors; extensive meetings with County representatives to compile information required by CNA and its auditors; and full documentation and support for the County's claim. CNA has reimbursed the County a total of \$16,246,234.00 for the fire loss.

CNA did not provide a full response to the County's claim until the fall of 2006. The remaining disputed issues are significant, with a value of approximately \$2,000,000.00 and will require continued expert assistance from Dempsey, Myers & Company, LLP, in order to reach a favorable settlement.

Estimated Fiscal Impact: None. Contract extension: April 6, 2006 through September 30, 2007.

Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Daley, seconded by Commissioner Suffredin, moved that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

PROPOSED ORDINANCES

ITEM #2

Submitting a Proposed Ordinance sponsored by

LARRY SUFFREDIN, County Commissioner

PROPOSED ORDINANCE

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 58, Article V, Section 164 is hereby enacted as follows:

Sec. 58-164. Motor Vehicles, Seizure and Impoundment.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Owner of record of a vehicle* means the record title holder.

(b) *Owner liability; exceptions.* The owner of record of any motor vehicle that violates any of the qualified violations as set forth in Section 58-165 shall be liable to the County for an administrative penalty of \$500.00 plus any towing and storage fees applicable under this division. Any such vehicle shall be subject to seizure and impoundment pursuant to this division. This subsection shall not apply if:

**PROPOSED ORDINANCES continued**

**ITEM #2 cont'd**

(1) The vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or

(2) The vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or

(c) *Seizure and impoundment.* Whenever the sheriff or his agent has probable cause to believe that a vehicle is subject to a seizure and impoundment pursuant to this division, the sheriff shall provide for the towing of the vehicle to a facility controlled by the County or its agents. Before or at the time the vehicle is towed, the Sheriff shall notify any person identifying himself/herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the alleged violation and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this section. The sheriff may issue rules and regulations related to this Section for enforcement notification procedures and proper forms necessary for administration of this Section.

(d) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this division makes a request in person and in writing for a vehicle impoundment hearing within 12 hours after the seizure, a hearing officer of the County shall conduct the vehicle impoundment hearing within 24 hours after the seizure excluding Sundays and legal holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. 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 a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under Subsection (a), the hearing officer shall order the continued impoundment of the vehicle as provided in this division unless the owner of the vehicle posts with the County a cash bond in the amount of \$500.00 plus any applicable towing and storage fees.

(e) *Notification of impoundment; hearing scheduled; failure of owner to appear; determination; penalty.* Within ten days after a vehicle is seized and impounded pursuant to this division, the County shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this division. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 30 days after the vehicle was seized. The hearing shall be conducted by a hearing officer of the County. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle violated this Section and that none of the exceptions described in Subsections (b)(1)--(b)(2) of this section applies, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the County for an administrative penalty in the amount of \$500.00. If the owner of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the County requiring the payment to the County of an administrative penalty in the amount of \$500.00. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond.

(f) *Administrative penalty constitutes debt owing to County.* If an administrative penalty is imposed pursuant to this division, such penalty shall constitute a debt due and owing to the County. If a cash bond has been posted pursuant to this division, the bond shall be applied to the penalty. If a vehicle has been impounded when such a penalty is imposed, the County may seek to obtain judgment against the vehicle or enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this division, a vehicle shall continue to be impounded until:

(1) The penalty, plus any applicable towing and storage fees, is paid to the County, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or

(2) The vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law. If the administrative penalty and applicable fees are not paid within 30 days after an administrative penalty is imposed under Subsection (e) of this section against an owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within 30 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 30 days after an action seeking administrative review has been resolved in favor of the County, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles.

**PROPOSED ORDINANCES continued**

**ITEM #2 cont'd**

Except as otherwise specifically provided by law, no owner, lien holder or other person shall be legally entitled to take possession of a vehicle impounded under this section until the civil penalty and fees applicable under this division have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if the person agrees in writing to refund to the County the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lien holders of record, up to \$500.00 plus the applicable fees.

Sec. 58-165. Qualified Violations for Impoundment.

Vehicles may be impounded as set forth in Section 58-164 for the following offenses as described under the Illinois Criminal Code of 1961 (720 ILCS 5/2-8):

720 ILCS 5/11-14	Prostitution
720 ILCS 5/11-15	Soliciting for a prostitute
720 ILCS 5/11-15.1	Soliciting for a juvenile prostitute
720 ILCS 5/11-16	Pandering
720 ILCS 5/11-18	Patronizing a prostitute
720 ILCS 5/11-18.1	Patronizing a juvenile prostitute
720 ILCS 5/11-19	Pimping
720 ILCS 5/11-19.1	Juvenile Pimping
720 ILCS 5/11-19.2	Exploitation of a child
720 ILCS 5/20-2	Possession of explosives or incendiary device
720 ILCS 550/4	Possession of cannabis
720 ILCS 550/5	Manufacture, delivery, possession-intent to deliver cannabis
720 ILCS 550/5.1	Cannabis trafficking
720 ILCS 550/5.2	Delivery of cannabis on school grounds
720 ILCS 550/8	Possession of cannabis sativa plant
720 ILCS 570	(Paragraphs 1401 through 1413) Controlled Substances Act
720 ILCS 600/3.5	Possession of drug paraphernalia
720 ILCS 551/1	Curfew
720 ILCS 555/2	Curfew

Vehicles may be impounded as set forth in Section 58-164 for the following offenses as described under the Illinois Vehicle Code:

625 ILCS 5/6-101	Operating a motor vehicle with no valid drivers license * does NOT include expired drivers license
625 ILCS 5/6-303(a)(1)	Operating a motor vehicle with a suspended drivers license
625 ILCS 5/6 -303(a)(2)	Operating a motor vehicle with a revoked drivers license * Note: Mandatory tow under 625 ILCS 5/6-303(e) if driver suspended/revoked AND no insurance.
625 ILCS 5/11-501	D.U.I. alcohol, intoxicating compounds and/or other drugs * Note: Maximum 12 hour tow and hold under 625 ILCS 4-203(e)
625 ILCS 5/3-702	Operation when registration cancelled, suspended or revoked
625 ILCS 5/3-703	Operating with false, fraudulent, stolen or altered registration
625 ILCS 5/3-708	Operation while registration suspended for mandatory insurance
625 ILCS 5/3-710	Presenting or displaying a false, fraudulent insurance card
625 ILCS 5/5-502	Transportation or possession of open alcoholic liquor in a vehicle

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Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Maldonado, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 284785). **The motion carried unanimously.**

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**PROPOSED ORDINANCES continued**

**ITEM #3**

Submitting a Proposed Ordinance sponsored by

LARRY SUFFREDIN, County Commissioner

**PROPOSED ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 54, Article VII, Section 330 is hereby enacted as follows:

Sec. 54-330. Police Alarm Systems

Purpose and Intent: This Ordinance is adopted for the purpose of regulating and permitting alarm systems to which the Sheriff's police are expected to respond.

Sec. 54-331. Definitions

**ALARM AGENT:** Any person employed by, working for, representing, or subcontracted by an alarm company.

**ALARM COMPANY:** The business by any person, firm, partnership, corporation, association, organization, company, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.

**ALARM SYSTEM:** Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any actual or attempted burglary or robbery to which the police are expected to respond.

**ALARM USER:** A person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premises where an alarm system is located.

**AUDIBLE ALARM:** An alarm system or device that generates an audible sound.

**AUTOMATIC DIALING DIGITAL ALARM COMMUNICATOR SYSTEM:** A system in which signals are transmitted from a digital alarm communicator transmitter located at a protected premises through the public switched telephone network to a digital alarm communicator receiver at a central alarm station or the Sheriff's Police Department alarm monitoring system.

**AUTOMATIC DIALING TELEPHONE ALARM:** A device that automatically dials any of the Sheriff's Police Department emergency communications center telephone lines, without human activation of the device by the alarm user or employee of the alarm user, upon detection of an illegal entry or other illegal activity at a protected premises.

**CALENDAR YEAR:** A twelve (12) month period beginning January 1 and ending December 31 every year.

**CENTRAL ALARM STATION:** A system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded at, or maintained and serviced from a place of business having trained alarm operators in attendance at all times.

**CHIEF OF POLICE:** The Cook County Sheriff's Chief of Police or his/her designee.

**COUNTY:** Cook County

**FALSE ALARM:** Activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual or attempted burglary or robbery exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this Chapter.

**PROPOSED ORDINANCES continued**

**ITEM #3 cont'd**

**NOTICE:** Written notice given by personal service upon the addressee, or, given by the United States Postal Office, postage paid, to the addressee's last known mailing address.

**PERMITTEE:** Any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the County.

**PERSON:** A natural person, or a firm, partnership, corporation, association, organization, company, or other entity.

**PRERECORDED TELEPHONE MESSAGE:** Any prerecorded voice message transmitted or received over a telephone line.

**PROTECTED PREMISES:** Any building, structure, or facility where an alarm system is installed to signal the occurrence of any actual or attempted burglary or robbery to which the police are expected to respond.

**SHERIFF POLICE DEPARTMENT REPRESENTATIVE:** Chief of Cook County Sheriff's Police Department or his/her designee.

**Sec. 54-332. Permit Required**

- A. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained without having first obtained a permit as provided in this Chapter.
- B. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained when a permit therefor has been revoked.
- C. A permit must be obtained from the Department of Revenue for each separately addressed operating location.
- D. A \$100.00 annual fee shall be charged to obtain an alarm user permit.
- E. The annual fee shall be due on January 1st of each year or as determined by the Department of Revenue in consultation with the Cook County Sheriff's Police Department.

**Sec. 54-333. Permit Application**

- A. Each applicant for a permit to maintain an alarm system shall file a written application with the Department of Revenue stating:
  - 1. The full legal name, address, and telephone number of the applicant.
  - 2. The name, address and telephone number of the premises where the alarm system is located.
  - 3. The type of alarm system at the protected premises.
  - 4. A list of three (3) persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
  - 5. The name, address and telephone number of the person or company that installed the alarm system.
  - 6. The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.
- B. Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and approval for the permit has been granted by the Sheriff's Police Department.

**PROPOSED ORDINANCES continued**

**ITEM #3 cont'd**

C. An application for an alarm user permit shall be denied if:

1. The applicant has failed to pay false alarm fees required by this Chapter for a different protected premises under the applicant's ownership or control.
2. The applicant has failed to comply with any provisions of this Chapter or other ordinances of the County.

D. The Department of Revenue shall be responsible for processing and issuing alarm user permits.

Sec. 54-334. Alarm Activation at Premises Where An Alarm User Permit Has Not Been Issued.

Any alarm user who does not have a valid alarm user permit will be assessed a fine in the amount of three hundred dollars (\$300.00) for each notice to the Sheriff's Police Department of an activation of a burglar or robbery alarm system at the protected premises.

Sec. 54-335. Updating Alarm User Application.

It is unlawful for any alarm user to fail or refuse to amend its alarm user permit application within fourteen (14) days after any of the information required and contained therein becomes outdated or inaccurate.

Sec. 54-336. Transfer of Alarm User Permit Prohibited.

An alarm user permit cannot be transferred to another premises or to another person.

Sec. 54-337. Audible Alarm System Requirements.

An alarm system that emits an audible signal that may be heard by persons outside the protected building, structure or facility shall conform to the following requirements:

- A. Audible alarm systems shall automatically discontinue emitting an audible sound within thirty (30) minutes after it is activated.
- B. With respect to systems in existence prior to the adoption of this Chapter, the owner or operator thereof shall have thirty (30) days from the effective date hereof to effect the necessary modifications to comply with the foregoing requirements.

Sec. 54-338. Automatic Dialing Telephone Alarm Requirements

- A. Any automatic dialing telephone alarm or device installed and operated that dials any County telephone line other than the designated Sheriff's Police Department alarm line is prohibited. No person will install, or cause to be installed, or maintain or cause to be maintained, any automatic dialing telephone alarm that dials any County telephone line other than the designated Sheriff's Police Department alarm line. Any such automatic dialing telephone alarm or device that dials any County telephone line other than the designated police alarm line must be reprogrammed to dial the designated Sheriff's Police Department alarm line, removed or deactivated by the owner thereof at the owner's expense, within thirty (30) days following the effective date hereof.
- B. It is unlawful for any person to allow any automatic alarm, automatic dialing device or automatic alerting device which causes any County telephone line to be dialed, and whose sole purpose is to establish an open telephone line with the specific intent that a conversation between parties not actively speaking into the telephone instrument be heard by the Sheriff's Police Department in order to directly access emergency services based on this overheard conversation, or lack of conversation.

Sec. 54-339. False Alarms Prohibited

It is unlawful for any person to knowingly activate an alarm system for the purpose of summoning the Sheriff's Police Department except if such person knows or suspects that there is an actual or attempted burglary or robbery on the premises.

**PROPOSED ORDINANCES continued**

**ITEM #3 cont'd**

Sec. 54-340. False Alarms; Fines; Notifications

- A. Any alarm user permittee who has more than one (1) false alarm within a calendar year at a single protected location will be assessed fines according to the following fine schedule:

Second - eighth false alarm: one hundred dollar (\$100.00) fine per false alarm

Ninth - tenth false alarm: two hundred dollar (\$200.00) fine per false alarm

More than ten (10) false alarms: three hundred dollar (\$300.00) fine per false alarm

- B. All fines must be paid to the Department of Revenue within thirty (30) days from the date of the invoice requesting payment of the fine(s).
- C. The Sheriff's Police Department shall notify the alarm user, in writing, of each instance wherein the Sheriff's Police Department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery to submit a report or meet with a representative of the Sheriff's Police for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Sheriff's Police shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will be voided. The finding of the Sheriff's Police Department representative shall be final.

Sec. 54-341. Permit Revocation

- A. Any alarmed premises which has ten (10) or more false alarms within a calendar year shall subject the alarm user to permit revocation as provided herein.
- B. If County records show ten (10) or more false alarms within a calendar year for any alarmed premises:

The Sheriff's Police Department representative shall notify the alarm user by certified mail or personal delivery, that their alarm permit shall be revoked thirty (30) days from date of mailing or personal delivery. The alarm user shall have fourteen (14) days from the date of mailing or personal delivery to submit a written report to the Sheriff's Police Department representative describing actions taken or to be taken to identify and eliminate the cause of the false alarms, and to request that their alarm user's permit be reinstated.

2. If the alarm user submits a report requesting reinstatement of their alarm user's permit, the Sheriff's Police Department representative shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms; if he determines that the action will substantially reduce the likelihood of false alarms, he shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm users permit has been approved.

3. If the alarm user's permit is reinstated, and the Sheriff's Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Sheriff's Police Department representative shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the amount of three hundred dollars (\$300.00) for each subsequent false alarm through the remainder of the calendar year.

4. If the Sheriff's Police Department representative determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The Sheriff's Police Department representative shall give notice by certified mail or personal delivery, to the user that the permit will be revoked without further notice.

5. An alarm user whose permit has been revoked by the Sheriff's Police Department representative may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the Sheriff.

**PROPOSED ORDINANCES continued**

**ITEM #3 cont'd**

6. If a review meeting with the Sheriff is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Sheriff by certified mail or personal delivery within fourteen (14) days of the request by the alarm user.

7. The Sheriff's Police Department representative and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination by both parties.

8. If the Sheriff determines that the user has not taken action which substantially reduces the likelihood of false alarms, the Sheriff shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit.

9. If the Sheriff determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the Sheriff shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.

10. If the alarm user's permit is reinstated, pursuant to subsection B9 of this Section, and the Sheriff's Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Sheriff's Police Department representative shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the amount of three hundred dollars (\$300.00) for each subsequent false alarm activation through the remainder of the calendar year.

11. If the alarm user's request for reinstatement of their alarm permit has been denied by the Sheriff, the alarm user may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the Director of the Department of Revenue.

12. If the Director of the Department of Revenue determines that the user has not taken action which substantially reduces the likelihood of false alarms, the Director of the Department of Revenue shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit. The decision of the Director of the Department of Revenue shall be final.

13. If the Director of the Department of Revenue determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the Director of the Department of Revenue shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.

14. If the alarm user's permit is reinstated pursuant to subsection B13 of this Section and the Sheriff's Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Sheriff's Police Department representative shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the amount of three hundred dollars (\$300.00) for each subsequent false alarm activation through the remainder of the calendar year.

C. Any alarm user permittee who fails to pay any fines or charges provided for under this Chapter within thirty (30) days from the date of the invoice requesting payment of same shall have the subject alarm user permit revoked. Any such alarm user permit shall not be reinstated until all the unpaid fines and fees are paid in full.

**Sec. 54-342. Testing Equipment**

No person shall conduct or cause to be conducted, any test or demonstration of any alarm system or signaling device that is directly connected with the Sheriff's Police Department Emergency Communications Center without first obtaining permission from the Sheriff's Police Department Emergency Communications Center personnel. Permission to test shall not be required when the alarm system or signaling device is connected to an intermediary receiver and is not relayed to the Sheriff's Police Department Emergency Communications Center.

**PROPOSED ORDINANCES continued**

**ITEM #3 cont'd**

Sec. 54-343. No Liability of County

The County assumes no liability for any defects in the operation of any alarm system or signal line system, for any failure or neglect of any person associated with the installation, operation or maintenance of any alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the County finds it necessary to revoke an alarm user permit or to otherwise provide for the disconnection of any alarm system, the County shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this Chapter or by virtue of the issuance of an alarm system permit, the direct connection of an alarm system with the Sheriff's Police Department or as a result of the transmission to or receipt of alarm signals by the Sheriff's Police Department.

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Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Maldonado, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 284786). **The motion carried unanimously.**

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**ITEM #4**

Submitting a Proposed Ordinance sponsored by

ROBERTO MALDONADO, County Commissioner

**PROPOSED ORDINANCE**

**COOK COUNTY SULFUR DIOXIDE EMISSION TAX**

**WHEREAS**, Sulfur dioxide is listed by the U.S. Environmental Protection Agency as a criteria air pollutant under the Clean Air Act, for which it sets health-based air quality standards; and

**WHEREAS**, Sulfur dioxide gas emissions are known to cause adverse bronchial reactions, reduced lung function, destabilized heart rhythms, and premature death; and

**WHEREAS**, Sulfur dioxide reacts with the air upon emission to form sulfate particles, a form of fine particulate matter, also listed as a criteria air pollutant, which is known to cause lung cancer, asthma attacks, heart attacks, and premature death; and

**WHEREAS**, the U.S. Environmental Protection Agency has designated the Chicago region as a nonattainment area for the fine particulate matter standard set in 1997; and

**WHEREAS**, the U.S. Environmental Protection Agency strengthened the fine particulate standard in September 2006, though not to the level that its own Clean Air Scientific Advisory Committee stated is necessary to protect public health; and

**WHEREAS**, Sulfur dioxide emissions react with the air to form sulfuric acid, which falls to the earth as acid rain and can damage forests and crops, change the makeup of soil, make lakes and streams acidic and uninhabitable, and accelerate the decay of building materials and paints; and

**WHEREAS**, the Illinois Constitution, Article XI, Section 2, provides that each person has the right to a healthful environment; and

**WHEREAS**, In the same way the Cook County cigarette tax discourages smoking, due to the adverse public health and environmental effects caused by the release of sulfur dioxide into the air, such emissions should also be discouraged; and

**WHEREAS**, Cook County is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**PROPOSED ORDINANCES continued**

**ITEM #4 cont'd**

**WHEREAS**, the Cook County Board of Commissioners has determined that a County tax based upon emissions of sulfur dioxide should be imposed upon large sources of those emissions within Cook County.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1. SHORT TITLE**

This article shall be known and may be cited as the "Cook County Sulfur Dioxide Emission Tax Ordinance".

**SECTION 2. DEFINITIONS**

For the purposes of this article, the following terms are defined as follows:

- (1) Department means the Cook County Department of Revenue.
- (2) Emitter means a source emitting 2500 tons or more of sulfur dioxide in a twelve month period.
- (3) Measuring period means the twelve consecutive months prior to the effective date of this Ordinance.
- (4) Owner means a person or business entity of any type that has the right to possess, use, and convey the source.
- (5) Source means a stationary unit, including, but not limited to, power plants, steel processing plants, or refineries, the activities and operations of which cause the emission of sulfur dioxide.

**SECTION 3. TAX IMPOSED**

In the exercise of the Home Rule Powers conferred by Section 6(a) of Article VII of the 1970 Illinois Constitution, a tax is hereby imposed upon sources that emit 2500 tons or more of sulfur dioxide in a twelve month period. The ultimate incidence of and liability for payment of the tax levied in this article is to be borne by the owner of the emitting source. This tax shall be levied at a rate of \$400 for each ton of sulfur dioxide emitted in a twelve month period and shall be remitted on a semi-annual basis.

**SECTION 4. DEPOSIT OF TAX PROCEEDS**

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the Department. The Department shall direct every dollar collected from this article to be deposited in the fiscal year 2007 and subsequent years appropriation to the Cook County Bureau of Health Services.

**SECTION 5. TAX IN ADDITION TO OTHER TAXES**

The tax imposed by this article is in addition to all other taxes imposed by the Government of the United States, the State, or by any unit of local government.

**SECTION 6. RULES AND REGULATIONS AUTHORIZED**

The Department shall, within three months of the effective date of this Ordinance, prescribe reasonable rules, definitions, and regulations not inconsistent with this Ordinance pertaining to the administration and enforcement of this article. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures for registration and collection and remittance of the tax levied in this article upon the owners of emitting sources.

**PROPOSED ORDINANCES continued**

**ITEM #4 cont'd**

**SECTION 7. REGISTRATION & REPORTING**

Those entities that qualify as emitters based upon their levels of sulfur dioxide emissions during the measuring period shall register with the Department within four months of the effective date of this Ordinance. A source may petition the Department for an exemption from the tax imposed herein if it has undergone significant modifications since the measuring period such that its sulfur dioxide emissions in the twelve months after registration will most likely not meet or exceed the threshold of 2500 tons. Such exemption shall be granted if the Department, after consultation with the Department of Environmental Control, is satisfied that the source will most likely not qualify as an emitter for the next twelve months. An entity becoming an emitter after adoption of this Ordinance shall register with the Department within 20 days of the commencement of business.

All emitters shall file semi-annually with the Department a report of all sulfur dioxide emissions in such time and form as prescribed by the Department. Such reports shall employ the same process and methods of measurement as used for similar reports furnished to the state and federal Environmental Protection Agencies. The appropriate tax of \$400 for each ton of sulfur dioxide emitted during the reporting period shall be remitted along with the report.

**SECTION 8. PENALTIES**

It shall be deemed a violation of this article to not remit the taxes imposed herein when due; such nonremittance shall be punishable by a fine of \$800 for each ton of sulfur dioxide emitted for which no tax was remitted. It shall be deemed a violation of this article for any person knowingly to furnish false or inaccurate information required in this article; such violation, along with any other violation, shall be punishable by a fine of not less than \$500 and not more than \$1000. For the purpose of this article, interest shall be computed at the rate provided in Chapter 34, Article III of this Code.

**SECTION 9. EFFECTIVE DATES**

This article shall enter into effect upon enactment.

**SECTION 10. SEVERABILITY**

If any one or more of the provisions of this Ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be affected.

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Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Maldonado, seconded by Commissioner Suffredin, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 284787). **The motion carried unanimously.**

\* \* \* \* \*

**ITEM #5**

Submitting a Proposed Ordinance sponsored by

ROBERTO MALDONADO, County Commissioner

**PROPOSED ORDINANCE**

**COOK COUNTY MOTOR VEHICLE WEIGHT TAX**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VH, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, Illinois law (55 ILCS §5/5-1009) permits home rule units to impose "taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property"; and

**PROPOSED ORDINANCES continued**

**ITEM #5 cont'd**

**WHEREAS**, the Board of Commissioners finds that larger passenger motor vehicles, because of their size, impose greater wear upon the public streets within Cook County than smaller passenger motor vehicles, resulting in increased street maintenance and repair costs; and

**WHEREAS**, the Board of Commissioners has determined that a County tax not based upon the selling or purchase price or gross receipts from the use, sale or purchase thereof should be imposed upon the larger passenger vehicles within Cook County.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1. TITLE**

This Ordinance shall be known and may be cited as the "Cook County Motor Vehicle Weight Tax". The tax herein imposed is in addition to all other taxes imposed by the County of Cook, the State of Illinois or any municipal corporation or political subdivision thereof.

**SECTION 2. DEFINITIONS**

For the purposes of this Ordinance, unless the context otherwise requires, the following words or terms shall have the meanings respectively applied to them:

- A. "Commercial motor vehicle" means any vehicle operated for the transportation of persons or property in the furtherance of a business.
- B. "Department" means the Department of Revenue in the Bureau of Finance of Cook County.
- C. "Motor vehicle" means any vehicle that is self-propelled, otherwise than by the muscular power of humans or animals, and that is designed for the transportation of persons, except such vehicles as run on rails or tracks.
- D. "Purchased at retail" means obtained for use or consumption in exchange for a valuable consideration, whether in the form of money, credits, barter or any other nature, and not for resale.
- E. "Purchaser" means any person who purchased at retail.
- F. "Retailer" means a person who sells or offers for sale, for use or consumption and not for resale.

**SECTION 3. TAX IMPOSED; EXEMPTIONS**

Effective as of and commencing on the effective date of this Ordinance, a tax, in addition to any and all other taxes, in the amount of \$50 is imposed upon every motor vehicle with a curb weight of at least 4,500 pounds, as determined by the vehicle's manufacturer, which is purchased at retail from a retailer and which is titled or registered at a location within the corporate limits of Cook County with an agency of the state government. The liability for payment of the tax shall be borne by the purchaser.

Commercial vehicles, vehicles owned and operated upon the public streets of Cook County by the United States government or any agency thereof, or by the State of Illinois or any department thereof, or by any political subdivision, public or municipal corporation of the State of Illinois or any department or other agency of such corporation, or by the American Red Cross, all vehicles owned and operated by churches in connection with the authorized activities of such institutions and all vehicles registered under section 3-616 of the Illinois Vehicle Code shall be exempt from the tax. Additionally, vehicles manufactured after model year 2006 rated SmartWay Elite<sup>™</sup> by the US Environmental Protection Agency, or for model years 2000 through 2005 that received scores of at least 9 or higher on both the USEPA Air Pollution and Greenhouse Gas Scores, are exempt from the tax imposed herein.

**SECTION 4. COLLECTION OF TAX BY RETAILER**

Every retailer located within Cook County shall have the duty to collect and account for said tax from each purchaser at the time that the consideration for such purchase is paid.

**PROPOSED ORDINANCES continued**

**ITEM #5 cont'd**

**SECTION 5. COLLECTION OF TAX BY DEPARTMENT**

The Department shall be responsible for collecting the tax from purchasers who purchase their motor vehicles from retailers located outside Cook County. The Department shall direct every dollar collected from this article to be deposited in the fiscal year 2007 and subsequent years appropriation to the Cook County Bureau of Health Services.

**SECTION 6. BOOKS AND RECORDS**

Every retailer within Cook County, shall jointly and severally have the duty to maintain complete and accurate books, records and accounts showing the gross receipts for sales of motor vehicles with a curb weight of at least 4,500 pounds and the taxes collected each day, which shall be made available to the Department for examination and for audit by the Department upon reasonable notice and during normal business hours.

**SECTION 6. REGISTRATION OF OWNERS AND OPERATORS**

Every retailer within the County of Cook shall register with the Department no later than twenty (20) days after the adoption of this Ordinance or the commencement of business.

Retailers within the County of Cook shall file a sworn tax return on a monthly basis with the Department showing gross sales of motor vehicles with a curb weight of at least 4,500 pounds during the preceding monthly period, upon forms prescribed by the Department. Each tax return of sales of motor vehicles with a curb weight of at least 4,500 pounds shall be accompanied by a remittance to the County of Cook of all taxes imposed by this Ordinance which are due and owing for the period of time to which the tax return applies.

The remittance and tax return shall be filed with the Department on the last day of the month following the month which the tax return and remittance covers. A tax return properly addressed to the Department which is postmarked on or before the last day of the month shall be considered timely filed. The remittance shall be made payable to the Cook County Department of Revenue. The tax return shall also be accompanied with a copy of the return filed with the Illinois Department of Revenue for sales within Cook County covering the same reporting period.

**SECTION 7. RULE MAKING**

(a) The Department may prescribe reasonable rules, definitions, and regulations not inconsistent with this Ordinance necessary to carry out the duties imposed upon it by this Ordinance. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures consistent with existing practices of retailers for collection and remittance of the tax herein levied upon the purchaser of a motor vehicle with a curb weight of at least 4,500 pounds.

(b) The Department shall have the authority to appoint retailers or any other person within or without the County of Cook as agents for the collection and remittance of the tax herein levied. The Department is hereby authorized to grant a commission not exceeding one percent (1%) of the tax due under this Ordinance to such agent for services rendered in connection with the tax herein levied, provided said tax is remitted, in full, by the due date.

**SECTION 8. PENALTIES**

Any violation of this Ordinance shall be punishable by a fine of not less than \$100.00 and not more than \$1,000.00 or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. It shall be deemed a violation of this Ordinance for any Person knowingly to furnish false or inaccurate information or fail to file the tax return and remittance as required herein. Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover delinquent taxes, interest and penalties due and owing, as well as costs incurred for such proceeding. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.

**PROPOSED ORDINANCES continued**

**ITEM #5 cont'd**

**SECTION 9. TRANSMITTAL OF EXCESS TAX COLLECTIONS**

If any person collects an amount in excess of the tax imposed by this Ordinance, but which amount is purported to be a collection thereof, and does not return the same to the purchaser who paid the tax, the person who collected the tax shall account for and pay over those excess amounts to Cook County along with the tax properly collected.

**SECTION 10. SEVERABILITY**

If any one or more of the provisions of this Ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

**SECTION 11. CONFIDENTIALITY**

All information received by the Department from returns filed pursuant to this Ordinance or from any investigations conducted pursuant to this Ordinance shall be confidential, except for use for official County purposes or if required to be disclosed by law.

**SECTION 12. EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon enactment.

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Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Maldonado, seconded by Commissioner Suffredin, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 284788). **The motion carried unanimously.**

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**ITEM #6**

Submitting a Proposed Ordinance sponsored by

ROBERTO MALDONADO, County Commissioner

**PROPOSED ORDINANCE**

**COOK COUNTY AMMUNITION TAX**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, as a home rule county, the County of Cook is authorized to impose and collect a tax on munitions sold at locations within Cook County; and

**WHEREAS**, the Board of Cook County Commissioners finds that such alternative and new sources of revenue are required to fund the operations of Cook County Government.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1. TITLE**

This Ordinance shall be known and may be cited as the "Cook County Ammunition Tax". The tax herein imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

**PROPOSED ORDINANCES continued**

**ITEM #6 cont'd**

**SECTION 2. DEFINITIONS**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Ammunition” means a finished firearm product consisting of a projectile with its fuse, propelling charge, or primer, or primer component, as applicable, including, but not limited to, any type or firearm round, whether described as a shell, cartridge, bullet or other round, whether described as a shell, cartridge, bullet or other round, for any type of rifle, shotgun, handgun or other firearm intended for use by a single natural person. “Ammunition” does not include a BB a pellet commonly used in an air rifle or pistol, or blank ammunition which lacks a projectile.

“Department” or “Department of Revenue” means the Cook County Department of Revenue.

“Director” means the Director of the Cook County Department of Revenue.

“Person” means any natural individual, firm, society, foundation, institution, partnership, limited liability company, association, joint venture, public or Private Corporation, receiver, executor, trustee, or other representative appointed by the order of any court, or any other entity recognized any law as the subject of rights and duties.

“Retail Dealer” means any person who engages in the business of selling ammunition in the County of Cook to a purchaser for use or consumption and not for re-sale in any form.

“Retail sale” means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in manner or by any means whatsoever for a valuable consideration to a purchase for use or consumption and not for re-sale in any form.

**SECTION 3. TAX IMPOSED**

- (a) A tax is hereby imposed on the retail sale in Cook County of ammunition in the amount of ten cents (\$0.10) per round. Such tax is to be paid by the purchaser, and nothing in this Ordinance shall be construed to impose a tax upon the occupation of manufacturer, distributor, supplier or retail dealer.
- (b) The incidence of and liability for payment of the tax levied herein is to be borne by the retail purchaser of ammunition.
- (c) The Department shall direct every dollar collected from this article to be deposited in the fiscal year 2007 and subsequent years appropriation to the Cook County Bureau of Health.

**SECTION 4. PENALTIES**

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Ordinance, upon conviction thereof shall be punished by a fine of Five Hundred Dollars (\$500.00) for the first offense, and a fine of One Thousand Dollars (\$1,000.00) for the second and each subsequent offense. A separate and distinct office shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist after notification thereof.

Civil fines, penalties and interest assessed pursuant to this Ordinance shall be computed as provided for in the Cook County uniform Penalty, Interest and Procedures Ordinance.

**SECTION 5. BOOKS AND RECORDS**

Every retail dealer shall have the duty to maintain complete and accurate, books, records and accounts showing the proper tax has been paid for each sale of ammunition. These documents shall be made available to the Department or a duly authorized representative for examination upon reasonable notice and during business hours.

**SECTION 6. RULES AD REGULATIONS**

The Department shall make rules and regulations appropriate to and in furtherance of the purposes of this Ordinance. Such rules shall be consistent with the provisions of this Ordinance designed to promote fairness.

**PROPOSED ORDINANCES continued**

**ITEM #6 cont'd**

**SECTION 7. SEVERABILITY**

If any one or more of the provisions of this Ordinance is declared unconstitutional or the applications thereof are held invalid, the validity of the remainder of this Ordinance and the applications of such provisions to other Persons and circumstances shall not be affected thereby.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect upon enactment.

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Commissioner Daley, seconded by Commissioner Suffredin, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Maldonado, seconded by Commissioner Suffredin, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 284789). **The motion carried unanimously.**

**PROPOSED RESOLUTION**

**ITEM #7**

Submitting a Proposed Resolution sponsored by

TODD H. STROGER, President, Cook County Board of Commissioners

Co-Sponsored by

WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,  
JOHN P. DALEY, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,  
ROBERTO MALDONADO, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,  
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI,  
DEBORAH SIMS, ROBERT B. STEELE and LARRY SUFFREDIN, County Commissioners

**PROPOSED RESOLUTION**

**WHEREAS**, Dwight Welch has served as Mayor of Country Club Hills for more than twenty years; and

**WHEREAS**, prior to his election as Mayor, Dwight Welch served as a full-time police officer from 1970 to 1986, making over 5,000 arrests during his career; and

**WHEREAS**, while serving as a police officer, Dwight Welch attained the rank of Sergeant, was an instructor at the Chicago Police Academy, and taught at the Illinois Police Training Institute; and

**WHEREAS**, Dwight Welch served this country honorably in the United States Marine Corps during the Vietnam War, reaching the rank of Corporal; and

**WHEREAS**, Dwight Welch is an adjunct professor at Governors State University and the University of Illinois Parkland facility, and has taught Master's level public administration, police science and budgeting courses for over twenty-five years; and

**WHEREAS**, Dwight Welch has worked for Cook County for the past ten years as Deputy Budget Director; his experience in this field is vast, as he has been involved in producing over one hundred budgets at the federal, state, county and local level; and

**WHEREAS**, Dwight Welch's sense of dedication towards his community is resolute, as was clearly revealed on January 31, 2007, when he personally foiled escape attempts by two suspects involved in a shooting at Hillcrest High School in Country Club Hills; and

**WHEREAS**, as he is currently a certified police officer, Dwight Welch's instincts sparked him into action when the radio reported that shots had been fired at crowds of people at the high school; and

**PROPOSED RESOLUTION continued**

**ITEM #7 cont'd**

**WHEREAS**, Dwight Welch led the other officers in a search for the shooting suspects, and eventually cut off the suspects' vehicle with his own vehicle, which allowed the suspects to be apprehended.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby honors Mayor Dwight Welch for this act of courage and duty above and beyond, and applauds his unwavering commitment to his community and Cook County that is inspiring to all.

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Commissioner Silvestri, seconded by Commissioner Daley, moved to suspend the rules so that this matter may be considered. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**