

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT TO ITEM NO. 20-0016

(Legislation and Intergovernmental Relation 9/23/2020 10:30am)

Sponsored by: TONI PRECKWINKLE (President), JOHN P. DALEY, LARRY SUFFREDIN, BRIDGET GAINER, SCOTT R. BRITTON, and KEVIN B. MORRISON Cook County Board of Commissioners

PUBLIC STATEMENT REVIEW AND RESPONSE

BE IT ORDAINED, by the Cook County Board of Commissioners, that CHAPTER 2. ADMINISTRATION, ARTICLE IV. OFFICERS AND EMPLOYEES, DIVISION 5. INSPECTOR GENERAL SECTION 2-282, 2-287, 2-288 and 2-289 of the Cook County Code is hereby amended as Follows:

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 as well as an advanced degree in law, accounting, public administration or other relevant field; 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;
 - (4) Potential for strong leadership; and**
 - (5) Demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields.**
- (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 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~~ **upon the recommendation of the President or at least eight months prior to an anticipated vacancy** the selection of **an independent and professional** group or association **that is recommended to the Board by the President that will** ~~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 **at the request of the President but** no later than the second regularly scheduled meeting of the Board **following the selection of the Search Firm Selecting Association**, 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 (**business relationship does not exclude any current or former County employees from submitting an application for candidacy**) 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 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 **six-year** term. The County Board may, by a majority vote of those elected and entitled to vote, reappoint the Independent Inspector General to a **six-year** subsequent term. In lieu of reappointment, the President with the advice and consent of the County Board may restart the selection process **or request that the County Board reappoint the Independent Inspector General for a period of two years and 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.
- (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 **or Search Firm Selecting Association** 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.

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 **and placed on the next regular County Board meeting agenda for receipt and file or referral to the Litigation Committee**, indicating:

- (1) The number and type of investigations initiated, concluded, or pending since the date of the last report, **including the number of investigations pending longer than 180 days.**

(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 (subject to any appropriate redaction).

(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) A summary of the ultimate jurisdictional authority's response to and final decision (subject to any appropriate redaction) on the Independent Inspector General's recommendation.

~~(5)~~(6) The number of concluded investigations that have not yet been responded to within the 45-day requirement or, if approved, the 30-day extension.

~~(6)~~(7) Upon receipt of such reports, the Cook County Board may take appropriate action, such as referring the report to the Litigation Subcommittee for further consideration, receiving and filing, approving or rejecting such report.

Sec. 2-288. - Confidential 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 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.

Confidential summary reports shall be labeled as such and shall contain the information set forth below in accordance with this section. Confidential summary reports received by any government official or employee shall only be used for official government purposes and may only be disclosed for official government purposes. The penalty for improper use or disclosure of confidential summary reports, including, but not limited to, a disclosure for political purposes, shall be governed by Section 2-291.

(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 **Head of the applicable Department, 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~~ **the reasons why the investigation is ongoing beyond 180 days of its initiation.**

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.

- (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~~ Chief Procurement Officer 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.
- (d) Before issuing a **written** public statement pursuant Section 2-289(c)(2) of this Ordinance, **involving an OIG review, inspection, or audit that results in a finding of inefficient or wasteful management** the Independent Inspector General must first:
- (1) Share the summary report and **written** public statement with the head of the department or bureau and elected official to whose office the investigation pertains;
 - (2) Allow the head of the department or bureau and elected official to whose office the investigation pertains a period of 10 business days in which to provide the Independent Inspector General with a **response** to the proposed public statement **and/or summary report**;
 - (3) Attach any such response (subject to appropriate redaction) to the Independent Inspector General's public statement **and any reply thereto by the Independent Inspector General** whenever the Independent Inspector General issues the public statement.

Effective date: This ordinance shall be in effect immediately upon adoption.

