

**Report of the Committee on Finance**  
**May 2, 2011**  
**(Recessed and Reconvened May 4, 2011)**

The Honorable,  
The Board of Commissioners of Cook County

**ATTENDANCE**

Present: Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Suffredin and Tobolski (16)

Absent: Commissioner Steele (1)

Also Present: Patrick T. Driscoll, Jr. – Deputy State’s Attorney, Chief, Civil Actions Bureau.  
Detective Jason Moran – Cook County Sheriff’s Police Department. Dr. Nancy Jones – Chief Medical Examiner.

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to notice on Monday, May 2, 2011 at the hour of 1:30 P.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Chairman Daley announced that public testimony will be heard on the two proposed ordinance amendments before the Committee.

Commissioner Fritchey stated that he was working with representatives of the Administration on possible amendments to the items, but he did not receive the most recent draft in time to adequately review it prior to the meeting. A delay may be necessary to allow more time for consideration prior to a vote on the suggested amendments.

Chairman Daley stated that public testimony would be called, and if necessary the meeting can be recessed to the call of the chair, to provide more time to prepare any other amendments.

Chairman Daley asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107(dd). No registered public speakers responded.

In response to an inquiry from Commissioner Fritchey, Detective Jason Moran of the Cook County Sheriff’s Police described his observations from a field visit to an internment site.

Dr. Nancy Jones, Chief Medical Examiner, provided an overview of the procedures followed by her office regarding indigent burials.

Chairman Daley recessed the meeting to Wednesday, May 4, 2011 at 10:30 a.m.

May 4, 2011

Chairman Daley reconvened the recessed Finance Committee meeting of May 2, 2011 at the hour of 10:30 A.M. on May 4, 2011.

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

312115        **INDIGENT, UNCLAIMED AND UNKNOWN BURIAL CONTRACTS (PROPOSED ORDINANCE)**. Submitting a Proposed Ordinance sponsored by John A. Fritchey, County Commissioner.

The following is a synopsis of the Proposed Ordinance:

PROPOSED ORDINANCE

**INDIGENT, UNCLAIMED AND UNKNOWN BURIAL CONTRACTS**

**WHEREAS**, further, improper burial practices are not only immoral and unconscionable but they threaten to impede the criminal investigation process by law enforcement agencies in cases of unknown decedents.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Section 34-134 of the Cook County Code is hereby enacted as follows:

**ARTICLE IV. PROCUREMENT AND CONTRACTS**

**DIVISION 1. GENERALLY.**

**Sec. 34-134. Indigent, unclaimed and unknown burial contracts.**

**Effective Date:** This Ordinance shall be in effect immediately upon adoption.

**\*Referred to the Committee on Finance on 04-06-11.**

**Commissioner Fritchey, seconded by Commissioner Suffredin moved to accept a Substitute Amendment to Communication No. 312115. The motion carried, and Communication No. 312115 was amended by substitution, as follows:**

**Substitute Amendment To Communication Number 312115**

**PROPOSED RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN A. FRITCHEY, COUNTY COMMISSIONER**

**RESOLUTION REQUIRING FOR CERTAIN BID AND CONTRACT SPECIFICATIONS  
RELATING TO THE BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN  
DECEDENTS**

**WHEREAS**, The Cook County Board of Commissioners, on behalf of the Cook County Office of the Medical Examiner, engage in contracts to request for the burial of indigent, unclaimed and unknown decedents; and

**WHEREAS**, Cook County buries approximately 250 indigent, unclaimed and unknown individuals every year; and

**WHEREAS**, with consideration for the recent disturbing developments concerning burial practices for individuals deemed by the county to be indigent, unclaimed and unknown; and

**WHEREAS**, to afford respect and dignity to those being buried, it is unquestionably in the best interest of Cook County, and society as a whole, to ensure that County bid specifications for the burial of indigent, unclaimed and unknown decedents, as well as the negotiated contractual terms, require reverent and proper burials for every individual; and

**WHEREAS**, further, improper burial practices are not only immoral and unconscionable, but they threaten to impede the criminal investigation process by law enforcement agencies in cases of unknown decedents.

**NOW THEREFORE, BE IT RESOLVED**, by the Cook County Board of Commissioners, that Office of the Cook County Medical Examiner and Purchasing Agent ensure that specifications seeking bids for the burial of indigent, unclaimed and unknown decedents, as well as the negotiated contractual terms, are in accordance with applicable state law; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery authority to be in compliance with, and adhere to, federal, state and local laws; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that the contracting cemetery designate areas of land for burial based on the nature of the individual decedent whom is to be buried; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that the contracting cemetery designate an individual and separate area for the burial of those deemed to be unknown decedents, as well as unknown fleshed and skeletal remains; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that the contracting cemetery designate an individual and separate area for the burial of those deemed to be indigent infant and fetus decedents; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that the transportation and disposition of decedents be done in accordance with Title 77, Chapter 1, Sub. e, Part 500, Sec. 500.50 of the Illinois Administrative Code, and that the contracting cemetery or crematory be required to provide a mode of transportation sufficient to transport the

burial shells containing indigent, unclaimed and unknown decedents on a monthly basis, or as needed, to the designated cemetery; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery shall not perform the burial of said decedents without the presence of an administrator or investigator of the Office of the Medical Examiner present and as provided in Cook County Code Chapter 38; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to be prohibited from burying the remains of multiple decedents, identified or unidentified, in the same burial shell or grave space, with the exception of decedent remains that are placed in individual containers, or in a mass casualty event, either natural or man-made; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to cause no more than three burial shells or coffins of any indigent, unclaimed or unknown decedents to be stacked in one grave space; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that each burial shell shall be buried under a minimum of eighteen (18) inches of ground coverage over the burial shell; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to place visible markers clearly designating the section, lot, and row numbers of graves on the cemetery property reserved for the burial of indigent, unknown or unclaimed decedents; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the burials of all decedents be listed in an interment book maintained at the office of the contracting cemetery or crematory in the manner as prescribed by state law; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to list the burials of all indigent, unclaimed and unknown decedents in an interment book maintained at the office of the contracting cemetery or crematory. The contractor shall record the section, lot, row, numbered level or depth in grave, and grave to identify individual graves. The cemetery interment book shall contain the decedent's name when known, date of burial, and the location of burial. If the decedent's name is unknown, as much information as possible regarding the gender, race and distinguishing characteristics of the decedent shall be listed. The Office of the Medical Examiner shall provide all information in its possession that is required herein; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to document the exact location and placement of each decedent and burial shell or coffin buried pursuant to the contract, and must agree to provide a copy of said documentation to the Office of the Medical Examiner within five (5) days following each contracted burial of an unknown, indigent or unclaimed decedent, and a copy of said documentation shall be retained by the Office of Medical Examiner; and

**BE IT FURTHER RESOLVED**, notwithstanding any law to the contrary, the bid specifications and negotiated contract shall require the contracting cemetery to obtain all burial permits required pursuant to Illinois Public Act 96-0863, Sec. 75-50, and copies of such burial permits shall be retained at the office of the contracting cemetery authority for each burial; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to cause a record of the interment, entombment, or inurnment to be entered into the Cemetery Oversight Database provided in Illinois Public Act 96-0863, Sec. 20-6 within ten (10) business days after an interment, entombment, or inurnment of the unknown, unclaimed or indigent decedent, including instances when human remains are relocated; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require the contracting cemetery to provide reasonable maintenance of the cemetery property and of all lots and graves, including but not limited to: providing perpetual care to burial grounds, properly leveling burial grounds, keeping burial grounds free of debris, keeping burial grounds seeded with grass seed, fertilized and mowed according to accepted horticultural practices; and

**BE IT FURTHER RESOLVED**, that the bid specifications and negotiated contract require that an authorized Cook County employee or representative be permitted at any time to inspect the cemetery property reserved for burials to ensure compliance with all provisions of the contract; and

**BE IT FURTHER RESOLVED**, within sixty (60) days following adoption of this Resolution, the Office of the Medical Examiner and the Purchasing Agent shall issue new bid specifications for the burial of indigent, unknown and unclaimed decedents consistent with the provisions herein and upon completion shall submit its request to bid before the Cook County Board of Commissioners.

**Effective Date:** This resolution shall be in effect immediately upon adoption.

**Commissioner Fritchey, seconded by Commissioner Suffredin, moved approval of the Substitute Amendment (Communication No. 312115). The motion carried, and the Proposed Resolution Concerning Burial of Indigent, Unclaimed, and Unknown Decedents was approved and adopted, as amended.**

312116

**AN ORDINANCE AMENDMENT TO CHAPTER 38. HEALTH AND HUMAN SERVICES, SECTION 38-150 OF THE COOK COUNTY CODE OF ORDINANCES FOR BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES (PROPOSED ORDINANCE AMENDMENT).**  
Submitting an Ordinance Amendment sponsored by John A. Fritchey, County Commissioner.

The following is a synopsis of the Proposed Ordinance Amendment:

PROPOSED ORDINANCE AMENDMENT

**BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES**

DIVISION 1. GENERALLY

- Sec. 38-110. Office of coroner eliminated.
- Sec. 38-111. Office created.
- Sec. 38-112. Qualifications and appointment.
- Sec. 38-113. Duties.
- Sec. 38-114. Academic appointments.
- Sec. 38-115. Employees.
- Sec. 38-116. Yearly budget.
- Sec. 38-117. Cooperative agreements.
- Sec. 38-118. Deaths subject to investigation.
- Sec. 38-119. Establishing manner and cause of death.
- Sec. 38-120. Death certificate.
- Sec. 38-121. Death from criminal conduct – procedure.
- Sec. 38-122. Death subject to investigation, duty to notify.
- Sec. 38-123. Order to disinter.
- Sec. 38-124. Permission required for removal.
- Sec. 38-125. Decedent's Personal Property.
- Sec. 38-126. Procedures and powers in investigation into cause of death.
- Sec. 38-127. Decedent under spiritual treatment
- Sec. 38-128. Permit required for disposition of body; fee.
- Sec. 38-129. Permit to cremate.
- Sec. 38-130. Release of the body.
- Sec. 38-131. Records to be kept.
- Sec. 38-132. Advisory committee.
- Sec. 38-133. Death caused by wrongful act; liability for expenses incurred.
- Sec. 38-134. Transportation costs.
- Sec. 38-135. Fees.
- Sec. 38-136. Debt due County.
- Sec. 38-137. Impersonation unlawful.
- Sec. 38-138. Penalty for violation.
- Sec. 38-139. Annual report.
- Sec. 38-140. Medical Examiner Fees Fund.

DIVISION 2. BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES.

Sec. 38-150. Contracts with cemeteries.

Sec. 38-151. DNA collection from Unknown Decedents.

Sec. 38-152. Number of bodies per casket.

Sec. 38-153. Unique Personal Identifiers.

Sec. 38-154. Documentation to be released to contracting cemetery.

Sec. 38-155. Medical Examiner burial oversight and affidavit form.

Effective date: This Amended Ordinance shall take effect sixty (60) days following passage.

\*Referred to the Committee on Finance on 04-06-11.

Commissioner Fritchey, seconded by Commissioner Suffredin, moved to amend the proposed amendment to the Burial of Indigent, Unclaimed, and Unknown Bodies Ordinance (Communication No. 312116). The motion carried, and the proposed amendment to Communication No. 310964 was approved (amended text indicated below in strikethrough and double-underline).

PROPOSED AMENDMENT TO COMMUNICATION NO. 312116

SPONSORED BY  
JOHN A. FRITCHEY, COMMISSIONER

DIVISION 2. BURIAL OF INDIGENT, UNCLAIMED AND UNKNOWN BODIES.

Sec. 38-150. Contracts with cemeteries.

The Medical Examiner, subject to County Board approval, shall only contract with cemeteries for the burial of indigent, unclaimed and unknown bodies in accordance with the provisions of Chapter 34, Article IV, Sec. 34-134. the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed and Unknown Decedents.

Sec. 38-151. DNA collection from Unknown Decedents.

The Office of the Medical Examiner shall collect and retain a sufficient DNA sample from Unknown Decedents and unknown skeletal remains. For the purposes of this section, Unknown Decedents shall be defined as deceased individuals for whom the Medical Examiner cannot conclusively determine the identity. This characterization shall include fleshed and skeletal remains. Within 90 days of DNA sample collection, if the law enforcement agency handling the case has not already done so, such samples shall be forwarded to the Illinois State Police to be handled in accordance with relevant policies and procedures for such samples, as determined by the Illinois State Police for testing and inclusion in the State and National DNA Database. Immediately after the Illinois State Police have completed all DNA analysis, testing and database inclusion, the remaining evidence shall be returned to the Office of the Medical Examiner.

**Sec. 38-152. Number of bodies per casket.**

Each coffin or burial shell sent by the Medical Examiner to a contracting cemetery authority shall contain the remains of only one indigent, unclaimed or unknown decedent. In the case of infants and fetuses, the Medical Examiner shall be permitted to place multiple infants and fetuses in a single burial shell, provided that there shall exist a physical barrier separating each set of remains within each such burial shell. No other tissues or skeletal remains, human or otherwise, shall be permitted in such shell.

**Sec. 38-153. Unique Personal Identifiers.**

Prior to the burial or interment of an indigent, unclaimed or unknown individual, the Office of the Medical Examiner shall affix one non-biodegradable Unique Personal Identifier tag to the outside of the burial shell. Such tag shall be stamped or inscribed with the decedent's name, age and year of death, if known. The Office of the Medical Examiner shall additionally affix at least one non-biodegradable Unique Personal Identifier tag to the individual deceased person's physical remains.

**Sec. 38-154. Documentation to be released to contracting cemetery.**

Upon the release of indigent, unclaimed and unknown individuals to the contracting cemetery authority, the Office of the Medical Examiner shall provide information for the cemetery's interment book as provided in ~~Section 34-134(a)(4)~~ the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed and Unknown Decedents. The information provided by the Office of the Medical Examiner to the contracting cemetery for record shall include the decedent's name, if known. If the decedent's name is unknown, as much information as possible regarding the gender, race and distinguishing characteristics of the decedent shall be listed.

**Sec. 38-155. Medical Examiner burial oversight and affidavit form.**

Upon the release of decedents from the Office of the Medical Examiner for burial under this Division 2, an administrator or investigator from The Office of the Medical Examiner shall accompany the vehicle transporting such decedents from the location of pickup of such decedents to the contracting cemetery site. Said individual shall also be present to oversee the burial process in its entirety and shall be required to complete a sworn affidavit to be established by the Office of the Medical Examiner. The affidavit form shall delineate each of the elements to be complied with pursuant to the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed and Unknown Decedents and shall attest that the contracting cemetery authority is in compliance with the specifications for burial as provided therein herein. The Office of the Medical Examiner shall retain all such completed affidavits along with the accompanying death record and shall attest that the contracting cemetery authority is in compliance with the specifications for burial as provided by Chapter 34, Article IV.

**Effective date:** This Amended Ordinance shall take effect sixty (60) days following passage.

Commissioner Fritchey, seconded by Commissioner Suffredin moved approval of the Proposed Ordinance Amendment (Communication No. 312116), as amended. The motion carried, and the proposed amendment to the Burial of Indigent, Unclaimed, and Unknown Bodies Ordinance (Communication No. 312116), as amended, was approved and adopted.

Commissioner Fritchey, seconded by Commissioner Schneider, moved to adjourn. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

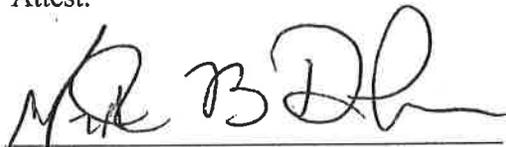
Communication Number 312115  
Communication Number 312116

Approved As Amended  
Approved As Amended

Respectfully submitted,  
Committee on Finance

  
John P. Daley, Chairman

Attest:

  
Matthew B. DeLeon, Secretary

\*\* The audio recording for this meeting is available from the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.