

**REPORT OF THE COMMITTEE ON LEGISLATION
AND INTERGOVERNMENTAL RELATIONS**

March 19, 2013

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Suffredin, Vice Chairman Fritchey, Commissioners Butler, Collins, Daley, Gainer, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Sims and Steele (14)

Absent: Beavers, Garcia and Tobolski (3)

Ladies and Gentlemen:

Your Committee on Legislation and Intergovernmental Relations of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, March 19, 2013 at the hour of 11:30 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

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

321862 AN AMENDMENT TO CHAPTER 44, ARTICLE I, SEC. 44-41 THROUGH 44-47 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and John P. Daley, Edwin Reyes, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, Cook County Commissioners.

PROPOSED ORDINANCE AMENDMENT

AMENDING THE COOK COUNTY HUMAN RESOURCES CODE

BE IT ORDAINED THAT, by the Cook County Board of Commissioners that Chapter 44 Human Resources, Article II Personnel Policies, Sections 44-41 through 44-47 of the Cook County Code, is hereby amended as follows:

Sec. 44-41. Purpose.

It is the general purpose of this article, and it is necessary in the public interest, to establish a professional and progressive merit-based human resource management system that:

- (1) Attracts, retains and motivates competent County employees;

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- (2) Provides the President and other County executives with the necessary flexibility and management control to assure the delivery of quality public service; and
- (3) Establishes fair, equitable procedures for employees and applicants for employment.

Sec. 44-42. Scope.

This article repeals, supplants and supersedes the rules, regulations, directives and policies of the Civil Service Commission of Cook County, the Health and Hospital Governing Commission, and the Department of Personnel and the Position Classification Agency (collectively "former rules"); the March 1987 Human Relations Guide for Supervisors; the December 1995 Progressive Discipline and the Grievance Process: A Guide for Supervisors; the July 1996 Cook County Employee Resource Guide; and, any policies, procedures or handbooks of any department or agency under the direction and control of the Office of the President to the extent they are inconsistent with the provisions of this article and the rules promulgated hereunder. This article and the rules adopted pursuant to this article shall be the sole source of authority governing County human resources management.

Sec. 44-43. Temporary appointments.

(a) An employee holding a temporary appointment in a civil service position for one year or more immediately prior to the adoption of this ordinance shall have career service status in that position without further examination, unless the position is exempted from career service as provided by this ordinance.

(b) Any employee holding a temporary appointment in a civil service position for less than one year immediately prior to April 5, 2000, shall be required to serve a probationary period of one year commencing on the date of the employee's temporary appointment to that position. Upon the successful completion of any such probationary period, said employee shall have career service status in that position without further examination, unless separated as provided by ordinance or rule, or unless the position is otherwise reclassified, reallocated or exempted from career service as provided by this ordinance. Any employee covered under the provisions of a collective bargaining contract will be subject to the probationary period found in that contract rather than the provisions of this article.

Sec. 44-44. Exemptions.

The provisions of this article and the Human Resources Management System thereby created shall be construed as the law regulating the civil services of the County for all purposes including 70 ILCS 810/17 (Cook County Forest Preserve District Act—application of human resource ordinance) except as exempted in this article. ~~There shall be three categories of exemptions from the provisions of this article.~~

- (1) The following positions shall be exempt from the classification authority of the Chief of Human Resources and from the career service provisions of this article.
 - a. Elected officials;
 - b. Bureau chiefs;
 - c. Executive heads of departments;
 - d. Shakman Exempt employees;
 - ~~e.~~ Members of boards and commissions.

- (2) The following positions shall be exempt only from the career service provisions of this article; these positions shall be subject to classification and all other provisions of this article:
 - a. Employees working directly for the County Board and its various committees;
 - b. ~~Employees working in the Office of the President, and employees in the offices of the Bureau Chiefs and the Office of Capital Planning and Policy;~~ Employees designated as an Executive Assistant to a Bureau Chief, Department Director or Deputy Director as provided in the Cook County Employment Plan approved by court order on March 19, 2012 and subsequently amended;
 - c. Employees of departments directly or indirectly headed by an elected official other than the President;

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- d. Employees whose position has been designated as an exempt position pursuant to the Judgment in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145 entered on January 7, 1994, in the United States District Court for the Northern District of Illinois, Eastern Division or as otherwise amended and subsequently designated as exempt by court order or as provided in the Cook County Employment Plan approved by court order on March 19, 2012 and subsequently amended;
- e. Employees holding a position labeled in Group One, Group Two or Group Three on the November 9, 2010 Court Order (Docket No. 1938) in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145;
- f. ~~Employees designated as executive service they are responsible for the development of departmental management policy or because their positions are at the nexus where policy and implementation meet and are therefore, essential to the successful implementation of policy at-will, actively recruited positions in the Cook County Employment Plan approved by court order on March 19, 2012 and subsequently amended;~~
- g. Additional Ppositions may be exempted from the career service pursuant to the rules of the Bureau of Human Resources upon recommendation of a department head and after comment and recommendation by the Chief of Human Resources and the approval of the President. These additional exemptions must be based on the need for flexibility in appointment to positions which are prior to job posting or recruitment where:
 - 1. The position is Nnecessary in order to maintain confidentiality; or
 - 2. Administratively necessary in order to effect a program including, but not limited to, such programs as internships, student work experience programs, trainee programs, Federal public service employment programs, and any other programs, which, because of the program requirements, cannot be subject to career service requirements.

All employees exempted in the above category are considered to be "at will" employees and shall serve at the pleasure of the appointing authority unless otherwise provided for by law or contract.

h. Employees designated as Public Defender Direct Appointments per the Cook County Employment Plan approved by court order on March 19, 2012 and subsequently amended.

(3) ~~Physicians and dentists employed by the County to work within the Cook County Bureau of Health Services~~ Cook County Health and Hospitals System ("CCHHS") shall be exempt from career service and shall be governed by the provisions of Section 44-52 and Chapter 38, Article V, et al.; all other CCHHS employees employed at CCHHS shall be under the direction and control of the Cook County Health and Hospitals System as indicated in Chapter 38, Article V, et al. Unless exempted under this section, all other employees under the direction and control of the Office of the President shall be covered under the career service provisions provided for in this article.

(4) Employees of the County under the direction and control of the Cook County Independent Inspector General as provided in the Employment Plan for the Office of the Independent Inspector General.

Unless exempted under this section or the Cook County Employment Plan, all other employees under the direction and control of the Office of the President shall be covered under the career service provisions provided for in this article unless otherwise addressed in a collective bargaining agreement.

Sec. 44-45. Bureau of Human Resources.

(a) *Established; Chief of Human Resources to be Chief Executive Officer of Bureau of Human Resources.* There is hereby established a bureau which shall be known as the Bureau of Human Resources. The Chief of Human Resources shall be the chief executive officer of the Bureau of Human Resources and shall be appointed by the President and shall serve at the pleasure of the President. The Chief of Human Resources shall be responsible for the general management and control of the Bureau of Human Resources in a manner consistent with the ordinances of the County, the laws of the state, and the rules of the Bureau.

(b) *Powers and duties of Chief of Human Resources.* The Chief of Human Resources shall have the power and duty to:

- (1) Encourage and exercise leadership in the development of effective human resources management within the several departments in the County service, and to make available the facilities of the Bureau of Human Resources to this end;
- (2) Advise department heads, including elected officials, and the budget director as to the correct classification of a position before it is included in the budget and before an appointment is made. No appointment shall be approved without the prior approval of the Chief of Human Resources as to the classification of the position;
- (3) Foster and develop:
 - a. Programs for the administration of human resource functions including position classification, salary administration, employee benefits, collective bargaining, labor management relations, employee communications, safety and health for the employees in all County departments including departments headed by elected officials; and
 - b. Programs for a professional and progressive merit based system for human resources management (hereafter "career service"). Career service shall include programs for recruitment, selection, discipline, grievance, promotion, affirmative action, performance management, probationary periods and training.
- (4) Establish and maintain records of all employees in the County service, in which there shall be set forth as to each employee the class title, pay and status, and other relevant data;
- (5) Certify that persons named on every payroll have been appointed and employed in accordance with the current budget; in addition, for employees under the direction and control of the President certify that persons named on payrolls have been appointed and employed in accordance with the provisions of this article and the rules adopted under this article. No disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personnel service to those persons holding a position in the County service unless said payroll voucher or account of such pay bears the certification of the Chief of Human Resources or authorized agent;
- (6) Apply and carry out this article and the rules thereunder and to perform any other lawful acts which may be necessary or desirable to carry out the purpose and provisions of this article, including but not limited to, carrying out the provisions of the Cook County Employment Plan;

- (7) Revise the Cook County Personnel Rules and various employment related policies as may be required from time to time; notice of revisions to the Personnel Rules or employment related policies shall be communicated to effected employees in writing by email or personal delivery;
- (78) Delegate responsibility where necessary to a department head or departmental designee subject to audit and approval by the Chief of Human Resources.
- (89) The prevailing rate of wages and prevailing working conditions for Covered Services shall be determined by the Chief of the Bureau of Human Resources. For purposes of this section, the term "prevailing rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character. Whenever a collective bargaining agreement is in effect between the Building Owners and Managers Association of Chicago and employees who are represented by a responsible labor organization, such agreement and its provisions shall be considered as conditions prevalent in that locality by the Chief of the Bureau of Human Resources.
- (910) The Bureau of Human Resources shall post on the County website or keep available for inspection the current prevailing rates of wages.

Sec. 44-46. Reciprocal agreements with other agencies.

The Chief of Human Resources is authorized and empowered to enter into reciprocal agreements, upon such terms as may be agreed upon, for the use of equipment, materials, facilities, and services with any public agency or body for purposes deemed of benefit to the County service. The Chief of Human Resources may cooperate with other governmental agencies in conducting personnel tests, classification of positions, recruiting personnel and training personnel.

Sec. 44-47. Human resource rules and Employment Plan.

The Chief of Human Resources shall issue rules and policies to implement the provisions of this article and the Cook County Employment Plan. The Chief of Human Resources shall provide notice of any revisions to the Cook County Employment Plan on the County's web-site at <http://www.cookcountyil.gov> and notice of any revisions to the Personnel Rules or employment related policies on the County's intra-net site at <http://ccnet.ccounty.com> or directly to employees. ~~Prior to the effective date of such rules, the Chief of Human Resources shall give public notice in one or more newspapers of general circulation, and in no case shall such publication be less than ten days before the effective date of the proposed rule or amendment to the rule. Such public notice shall include information concerning where the rules can be reviewed and where comments may~~

~~be directed.~~ Nothing contained herein shall prohibit the Chief of Human Resources from giving other appropriate notice. The rules shall provide for: The rule and/or Cook County Employment Plan shall include but not limited to provide for providing for:

- (1) *Preparation, etc., of position classification plan.* The preparation, maintenance and revision of a position classification plan for all positions, except those exempted in Section 44-44 based upon similarity of duties performed and responsibility assigned, so that the same qualifications may reasonably be required for and the same schedule of pay may be applied equitably to all positions in the same class;
- (2) *Submission of pay plan.* The annual submission of a pay plan to the President;
- (3) *Selection of persons for career service and at-will positions.* ~~The recruitment and selection of persons in the career service on the basis of their qualifications. Whenever it is appropriate in the judgment of the Chief of Human Resources a fair and open lottery procedure may be applied to develop the order of candidates to be considered for selection. Other selection procedures including, but not limited to interviews, performance tests, or medical examinations may be applied after the use of a lottery; shall be based in accordance with the terms of the Cook County Employment Plan;~~
- (4) *Establishment of lists of eligibles for candidates for employment or promotion in career service.* ~~The establishment of lists of eligibles candidates for appointment and or promotion in career service; upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations, where such examinations are administered. For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of service connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination. The Chief of Human Resources may substitute categorical rankings such as excellent, well-qualified and qualified for numerical rating and establish eligible lists accordingly. Such rules may provide for lists by area or location, by~~

~~department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, for the addition of names of successful candidates to list and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the Chief of Human Resources; shall be created in accordance with the terms provided in the Cook County Employment Plan;~~

- (5) *Certification of applicants.* ~~The certification to an appointing authority of the names of a minimum of seven persons, or all applicants if less than seven apply, with the highest numerical ratings available on the appropriate eligible list to fill each vacancy, or from the highest ranking group if the list is by categorical rankings instead of numerical ratings; of applicants shall be in accordance with the terms of the Cook County Employment Plan;~~
- (6) *Employment, Appointments and Promotions.* Chief of the Bureau of Human Resources shall adhere to the provisions in the Cook County Employment Plan and establish rules and supplemental policies as may be required. Employment, Appointment and Promotions which shall give appropriate considerations to the applicant's qualifications, record of performance and ability; appointment and promotional rules may include a provision to grant qualified eligible veterans interviewed for a position or promotion a veterans' preference. A Veteran's Preference shall be afforded to eligible candidates for appointment or promotion in career service positions who can confirm in writing that he or she has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service and were not dishonorably discharged; such eligible veteran candidates for employment or promotion shall be afforded an interview and not be subject to any computer-based randomization function. Eligible veteran candidates who have been deemed qualified per the interview process shall be afforded an additional two-tenths of a point to the combined overall average interviewer evaluation score of 3 or above for eligible if the eligible veteran candidates can provide proof of a service connected disability from the United States Veterans Administration or is a recipient of a purple heart decoration. Applicants seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources at the time they submit their application for employment;
- (7) *Probationary period after original appointment.* Probationary periods after original appointment not to exceed one year. An employee not otherwise classified as at-will who completes a probationary period shall have the status of a career service employee unless otherwise indicated in a

collective bargaining act or the Cook County Employment Plan;

- (8) *Probationary period after promotion.* Probationary periods after promotional appointment not to exceed one year. The rules may also provide for the restoring of an employee's career service status to the class from which a promotion was made when an employee does not successfully complete a promotional probationary period or when an employee requests a return to the next lower rank with the approval of the department head and the Chief of the Bureau of Human Resources within the probationary period;
- (9) *Emergency employment.* Emergency employment for not more than ~~60~~120 days in accordance with the consent of the Chief of Human Resources and for provisional employment when there is no appropriate eligible list available with the provisions provided in the Cook County Employment Plan;
- (10) *Performance records.* Keeping records of performance of employees in the career service, which performance records shall be considered in determining salary increments or increases for meritorious services; as a factor in promotions; as a factor in reinstatements; and as a factor in discharges and transfers. Appropriate performance records will be maintained for other employees;
- (11) *Layoffs.* Layoffs in the career service, by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for reemployment of employees so laid off;
- (12) *Grievance procedure.* Implementation and administration of the grievance procedure provided by this article, the Cook County Employment Plan and in accordance with the Cook County Personnel Rules;
- (13) *Disciplinary measures.* The establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge where employees are subject to a collective bargaining agreement and that agreement establishes disciplinary or grievances procedures, those procedures control. For all other career service employees, such disciplinary measures shall provide for a statement of the charges on which discipline is based, together with an explanation of the evidence supporting the charges and an opportunity for the employee to respond to the charges in writing before action is taken, appeals after such disciplinary action, and a hearing on the charges upon request of the employee in case of discharge, demotion or suspension exceeding ten work days, and review of suspensions not exceeding ten work days, consistent with the requirements of due process of law. The charges and explanation of evidence need not be in any particular form, but

must be sufficient to apprise the employee of the matters on which discipline may be based. The employee's response must be reviewed by the department head or designee responsible for making the decision, provided that such designee may be the person who initiated the charges against the employee. No career service employee may be discharged, demoted or suspended for more than ten work days unless the statement of charges and any matters in support are first reviewed by the Chief of Human Resources, before the employee is notified of such action, evidence of discipline hearings initiated and outcome of a suspension or termination shall be provided to the Chief of Human Resources;

- (14) *Programs to improve work effectiveness.* Development and operations of programs to improve work effectiveness, including training, education, safety, health, welfare, counseling, recreation and employee relations.
- (15) *Rules and regulations.* For such other policies and administrative regulations, not inconsistent with this law or as may be required under the Cook County Employment Plan, as may be proper and necessary for its enforcement.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that Chapter 44 Human Resources, Article II Personnel Policies, Section 44-52 of the Cook County Code, is hereby amended as follows:

Sec. 44-52. Selection and discipline of physicians and dentists.

Notwithstanding any other provisions of this article, the ~~Chief of the Bureau of Health Services~~ Cook County Health and Hospitals System shall establish the procedures for the recruitment, selection, discipline, grievance, affirmative action, performance management, probationary periods, training and promotion of physicians and dentists employed by the County to work within the ~~Bureau of Health Services~~ Cook County Health and Hospitals System in accordance with Chapter 38 Health and Human Services, Article V Cook County Health and Hospitals System, et al., and in a manner consistent with applicable law and the requirements of applicable accrediting organizations. No physician or dentist shall be entitled to proceed under this article to grieve a corrective action taken against medical staff membership or clinical privileges pursuant to the applicable Medical Staff Bylaws.

Effective Date: Immediately upon passage.

***Referred to the Legislation and Intergovernmental Relations Committee on 02-05-13.**

Commissioner Reyes, seconded by Commissioner Daley, moved to Accept the Substitute to Communication No. 321862. The motion carried.

Submitting a Proposed Substitute Ordinance Amendment to Item 321862 sponsored by

TONI PRECKWINKLE, President and JOHN P. DALEY, EDWIN REYES, ROBERT STEELE,
LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, Cook County Commissioners

PROPOSED SUBSTITUTE ORDINANCE

AMENDING THE COOK COUNTY HUMAN RESOURCES CODE

NOW, THEREFORE, BE IT ORDAINED THAT Chapter 44, Article I, Sec. 44-41 through 44-47 of the Cook County Code, is hereby amended as follows:

Sec. 44-41. - Purpose.

It is the general purpose of this article, and it is necessary in the public interest, to establish a professional and progressive merit-based human resource management system that:

- (1) Attracts, retains and motivates competent County employees;
- (2) Provides the President and other County executives with the necessary flexibility and management control to assure the delivery of quality public service; and
- (3) Establishes fair, equitable procedures for employees and applicants for employment; and
- (4) Prohibits unlawful political contacts, unlawful political discrimination, and the use of political reasons or factors in any employment actions affecting positions unless such positions are legally exempt from such prohibitions.

Sec. 44-42. - Scope.

This article repeals, supplants and supersedes the rules, regulations, directives and policies of the Civil Service Commission of Cook County, the Health and Hospital Governing Commission, and the Department of Personnel and the Position Classification Agency (collectively "former rules"); the March 1987 Human Relations Guide for Supervisors; the December 1995 Progressive Discipline and the Grievance Process: A Guide for Supervisors; the July 1996 Cook County Employee Resource Guide; and, any policies, procedures or handbooks of any department or agency under the direction and control of the Office of the President to the extent they are inconsistent with the provisions of this article and the rules promulgated hereunder. This article and the rules adopted pursuant to this article and the Cook County Employment Plan, including its appendices, approved by Court order on March 19, 2012, as amended from time to time (the "Employment Plan") shall be the sole source of authority governing County human resources management.

Sec. 44-43. - Temporary appointments.

- (a) An employee holding a temporary appointment in a civil service position for one year or more immediately prior to the adoption of this ordinance shall have career service status in that position without further examination, unless the position is exempted from career service as provided by this ordinance.

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(b) Any employee holding a temporary appointment in a civil service position for less than one year immediately prior to April 5, 2000, shall be required to serve a probationary period of one year commencing on the date of the employee's temporary appointment to that position. Upon the successful completion of any such probationary period, said employee shall have career service status in that position without further examination, unless separated as provided by ordinance or rule, or unless the position is otherwise reclassified, reallocated or exempted from career service as provided by this ordinance. Any employee covered under the provisions of a collective bargaining contract will be subject to the probationary period found in that contract rather than the provisions of this article.

Sec. 44-44. - Exemptions.

The provisions of this article and the Human Resources Management System thereby created shall be construed as the law regulating the civil services of the County for all purposes including 70 ILCS 810/17 (Cook County Forest Preserve District Act—application of human resource ordinance) except as exempted in this article. ~~There shall be three categories of exemptions from the provisions of this article.~~

(1) The following positions or employees shall be exempt from the classification authority of the Chief of Human Resources and from the career service provisions of this article.

- a. Elected officials;
- b. Bureau chiefs;
- c. Executive heads of departments;
- d. Employees in positions designated as "Exempt" in the Employment Plan; Shakman Exempt Employees
- ed. Members of boards and commissions.

(2) The following positions or employees shall be exempt only from the career service provisions of this article; these positions shall be subject to the classification authority of the Chief of Human Resources: The positions included in this section are considered to be "at will" positions; employees holding such positions shall serve at the pleasure of the appointing authority unless otherwise provided for by law, contract or the Employment Plan; and all other provisions of this article:

- a. Positions reporting Employees working directly for to members of the County Board and its various committees, unless otherwise designated as Exempt in the Employment Plan;
- b. Employees working in the Office of the President, and employees in the offices of the Bureau Chiefs and the Office of Capital Planning and Policy; Positions designated as an Executive Assistant in the Employment Plan;
- c. Positions assigned to Employees of departments directly or indirectly headed by an elected official other than the President;
- d. Employees whose position has been designated as an exempt position pursuant to the Judgment in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145 entered on January 7, 1994, in the United States District Court for the Northern District of Illinois, Eastern Division or as otherwise amended and subsequently designated as exempt by court order. Positions designated as "Actively

Recruited” in the Employment Plan;

e. Employees holding a position labeled in Group One, Group Two or Group Three on the November 9, 2010 Court Order (Docket No. 1938) in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145;

f. Positions designated as “Public Defender Direct Appointments” in the Employment Plan;

g. Additional positions that are newly created may be exempted from the career service prior to job posting or recruitment where: pursuant to the rules of the Bureau of Human Resources upon recommendation of a department head and after comment, and recommendation by the Chief of Human Resources and the approval of the President and the Cook County Compliance Officer. These additional exemptions must be based on the need for flexibility in appointment to positions which are:

1. The position is necessary in order to maintain confidentiality; or
2. The positions is administratively necessary in order to effect a program including, but not limited to, such programs as internships, student work experience programs, trainee programs, Federal public service employment programs, and any other programs, which, because of the program requirements, cannot be subject to career service requirements.

h. Positions designated as “Statutory Appointments” in the Employment Plan.

~~All employees exempted in the above category are considered to be "at will" employees and shall serve at the pleasure of the appointing authority unless otherwise provided for by law or contract.~~

(3) Physicians and dentists employed by the County to work within for the Cook County Health and Hospitals System (“CCHHS”) Cook County Bureau of Health Services shall be exempt from career service and shall be governed by the provisions of Section 44-52, Chapter 38, Article V, et al. and the CCHHS Employment Plan; all other CCHHS employees employed at CCHHS shall be under the direction and control of CCHHS as indicated in Chapter 38, Article V, et al and the CCHHS Employment Plan.

(4) Employees of the County under the direction and control of the assigned to work within the Office of the Cook County Independent Inspector General (“OIIG”) shall be under the control and direction of the OIIG as provided in the Employment Plan for the Office of the Independent Inspector General. and the OIIG enabling ordinance.

Unless exempted under this section or the Cook County Employment Plan, all other employees under the direction and control of the Office of the President shall be covered under the career service provisions provided for in this article unless otherwise addressed in a collective bargaining agreement.

Sec. 44-45. - Bureau of Human Resources.

(a) *Established; Chief of Human Resources to be Chief Executive Officer of Bureau of Human Resources.* There is hereby established a bureau which shall be known as the Bureau of Human Resources. The Chief of Human Resources shall be the chief executive officer of the Bureau of Human Resources and shall be appointed by the President and shall serve at the pleasure of the President. The Chief of Human Resources shall be responsible for the general management and control of the Bureau of Human Resources in a manner consistent with the ordinances of the County, the laws of the state, and the rules of the Bureau.

(b) *Powers and duties of Chief of Human Resources.* The Chief of Human Resources shall have the power and duty to:

(1) Encourage and exercise leadership in the development of effective human resources management within the several departments in the County service, and to make available the facilities of the Bureau of Human Resources to this end;

(2) Advise department heads, including elected officials, and the budget director as to the correct classification of a position before it is included in the budget and before an appointment is made. No appointment shall be approved without the prior approval of the Chief of Human Resources as to the classification of the position;

(3) Foster and develop:

a. Programs for the administration of human resource functions including position classification, salary administration, employee benefits, collective bargaining, labor management relations, employee communications, safety and health for the employees in all County departments including departments headed by elected officials; and

b. Programs for a professional and progressive merit based system for human resources management (hereafter "career service"). Career service shall include programs for recruitment, selection, discipline, grievance, promotion, affirmative action, performance management, probationary periods and training.

(4) Establish and maintain records of all employees in the County service, in which there shall be set forth as to each employee the class title, pay and status, and other relevant data;

(5) Certify that persons named on every payroll have been appointed and employed in accordance with the current budget; in addition, for employees under the direction and control of the President certify that persons named on payrolls have been appointed and employed in accordance with the provisions of this article and the rules adopted under this article. No disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personnel service to those persons holding a position in the County service unless said payroll voucher or account of such pay bears the certification of the Chief of Human Resources or authorized agent;

(6) Apply and carry out this article and the rules thereunder and to perform any other lawful acts which may be necessary or desirable to carry out the purpose and provisions of this article, including but not limited to, carrying out the provisions of the Cook County Employment Plan.

(7) Revise the Cook County Personnel Rules and various employment related policies as may be required from time to time; notice of revisions to the Personnel Rules or employment related policies shall be communicated to affected employees in writing by email or personal delivery.

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(87) Delegate responsibility where necessary to a department head or departmental designee subject to audit and approval by the Chief of Human Resources.

(98) The prevailing rate of wages and prevailing working conditions for Covered Services shall be determined by the Chief of the Bureau of Human Resources. For purposes of this section, the term "prevailing rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character. Whenever a collective bargaining agreement is in effect between the Building Owners and Managers Association of Chicago and employees who are represented by a responsible labor organization, such agreement and its provisions shall be considered as conditions prevalent in that locality by the Chief of the Bureau of Human Resources.

(109) The Bureau of Human Resources shall post on the County website or keep available for inspection the current prevailing rates of wages.

Sec. 44-46. - Reciprocal agreements with other agencies.

The Chief of Human Resources is authorized and empowered to enter into reciprocal agreements, upon such terms as may be agreed upon, for the use of equipment, materials, facilities, and services with any public agency or body for purposes deemed of benefit to the County service. The Chief of Human Resources may cooperate with other governmental agencies in conducting personnel tests, classification of positions, recruiting personnel and training personnel.

Sec. 44-47. - Human resource rules and Employment Plan.

The Chief of Human Resources shall issue rules and policies to implement the provisions of this article and the Cook County Employment Plan. The Chief of Human Resources shall provide notice of any revisions to the Cook County Employment Plan on the County's web-site at <http://www.cookcountyil.gov> and notice of any revisions to the Personnel Rules or employment related policies on the County's intranet site at <http://ccnet.ccounty.com> or directly to employees. ~~Nothing contained herein shall prohibit the Chief of Human Resources from giving other appropriate notice. Prior to the effective date of such rules, the Chief of Human Resources shall give public notice in one or more newspapers of general circulation, and in no case shall such publication be less than ten days before the effective date of the proposed rule or amendment to the rule. Such public notice shall include information concerning where the rules can be reviewed and where comments may be directed. Nothing contained herein shall prohibit the Chief of Human Resources from giving other appropriate public notice. The rules and/or Employment Plan shall include, but not be limited to providing for provide for:~~

- (1) *Preparation, etc., of position classification plan.* The preparation, maintenance and revision of a position classification plan for all positions, except those exempted in Section 44-44 based upon similarity of duties performed and responsibility assigned, so that the same qualifications may reasonably be required for and the same schedule of pay may be applied equitably to all positions in the same class;
- (2) *Submission of pay plan.* The annual submission of a pay plan to the President;

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(3) *Selection of persons for career service and at-will positions for career service.* The recruitment and selection of persons in the career service shall be based on the basis of their in accordance with the terms of the Cook County Employment Plan; ~~on qualifications.~~ Whenever it is appropriate in the judgment of the Chief of Human Resources a fair and open lottery procedure may be applied to develop the order of candidates to be considered for selection. Other selection procedures including, but not limited to interviews, performance tests, or medical examinations may be applied after the use of a lottery;

(4) *Establishment of lists of eligible candidates for employment or for promotion in career service.* The establishment of lists of eligible candidates for appointment or and promotion in career service shall be created in accordance with the terms provided in the Employment Plan; upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations, where such examinations are administered. For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of service connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination. The Chief of Human Resources may substitute categorical rankings such as excellent, well qualified and qualified for numerical rating and establish eligible lists accordingly. Such rules may provide for lists by area or location, by department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, for the addition of names of successful candidates to list and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the Chief of Human Resources;

(5) *Certification of applicants.* The certification of applicants shall be in accordance with the terms of the Cook County Employment Plan; to an appointing authority of the names of a minimum of seven persons, or all applicants if less than seven apply, with the highest numerical ratings available on the appropriate eligible list to fill each vacancy, or from the highest ranking group if the list is by categorical rankings instead of numerical ratings;

(6) *Employment, Appointments and Promotions.* The Chief of the Bureau of Human Resources shall adhere to the provisions of the Cook County Employment Plan and establish rules and supplemental policies as may be required to assure compliance with all provisions of the Employment Plan. Employment, Appointment and Promotions rules and policies which shall give appropriate considerations to the applicant's qualifications, record of performance and ability. Appointment and promotional rules shall include a provision to grant qualified eligible veterans interviewed for a position or promotion a Veterans' Preference. A Veteran's Preference shall be afforded to eligible candidates for appointment or promotion in career service positions who can

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confirm in writing that he or she has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service and were not dishonorably discharged; such eligible and qualified veteran candidates for employment or promotion shall be afforded a preference for an interview and not be subject to any computer-based randomization function. Eligible veteran candidates who have been deemed qualified per the interview process shall be afforded an additional two tenths of a point to the combined overall average interviewer evaluation score of 3 or above for eligible if the eligible veteran candidates can provide proof of a service connected disability from the United States Veterans Administration or is a recipient of a purple heart decoration. Applicants seeking the Veterans' Preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources at the time they submit their application for employment;

For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of service connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination. The Chief of Human Resources may substitute categorical rankings such as excellent, well qualified and qualified for numerical rating and establish eligible lists accordingly. Such rules may provide for lists by area or location, by department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, for the addition of names of successful candidates to list and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the Chief of Human Resources;

(7) *Probationary period after original appointment.* Probationary periods after original appointment will not to exceed one year. An employee not otherwise classified as at-will who completes a probationary period shall have the status of a career service employee unless otherwise indicated this Article, a collective bargaining act or the Cook County Employment Plan;

(8) *Probationary period after promotion.* Probationary periods after promotional appointment will not to exceed one year. The rules may also provide for the restoring of an employee's career service status to the class from which a promotion was made when an employee does not successfully complete a promotional probationary period or when an employee requests a return to the next lower rank demotion to his or her former position with the approval of the department head and the Chief of the Bureau of Human Resources within the probationary period;

(9) *Emergency employment.* Emergency employment for not more than 12060 days in accordance with the provisions of the provided in the Cook County Employment Plan with the consent of the Chief of Human Resources and for provisional employment when there is no appropriate eligible list available;

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(10) *Performance records.* Keeping records of performance of employees in the career service, which performance records shall be considered in determining salary increments or increases for meritorious services; as a factor in promotions; as a factor in reinstatements; and as a factor in discharges and transfers. Appropriate performance records will be maintained for other employees;

(11) *Layoffs.* Layoffs in the career service, by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for reemployment of employees so laid off will be done in accordance with the Employment Plan and the Cook County Personnel Rules;

(12) *Grievance/Compliant procedure.* Implementation and administration of the grievance procedure provided by this article, the Cook County Employment Plan and in accordance with the Cook County Personnel Rules;

(13) *Disciplinary measures.* The establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge where employees are subject to a collective bargaining agreement and that agreement establishes disciplinary or grievances procedures, those procedures control. For all other career service employees, such disciplinary measures shall provide for a statement of the charges on which discipline is based, together with an explanation of the evidence supporting the charges and an opportunity for the employee to respond to the charges in writing before action is taken, appeals after such disciplinary action, and a hearing on the charges upon request of the employee in case of discharge, demotion or suspension exceeding ten work days, and review of suspensions not exceeding ten work days, consistent with the requirements of due process of law. The charges and explanation of evidence need not be in any particular form, but must be sufficient to apprise the employee of the matters on which discipline may be based. The employee's response must be reviewed by the department head or designee responsible for making the decision, provided that such designee may be the person who initiated the charges against the employee. No career service employee may be discharged, demoted or suspended for more than ten work days unless the statement of charges and any matters in support are first reviewed by the Chief of Human Resources, before the employee is notified of such action, evidence of discipline hearings initiated and outcome of a suspension or termination shall be provided to the Chief of Human Resources;

(14) *Programs to improve work effectiveness.* Development and operations of programs to improve work effectiveness, including training, education, safety, health, welfare, counseling, recreation and employee relations.

(15) *Rules and regulations.* For such other policies and administrative regulations, not inconsistent with this law or as may be required under the Cook County Employment Plan and Personnel Rules, as may be proper and necessary for its enforcement.

Effective Date: Immediately upon passage.

NOW, THEREFORE, BE IT FURTHER ORDAINED THAT Chapter 44, Article I, Sec. 44-52 of the Cook County Code, is hereby amended as follows:

Sec. 44-52. - Selection and discipline of physicians and dentists.

Notwithstanding any other provisions of this article, the Cook County Health and Hospitals System Chief of the Bureau of Health Services shall establish the procedures for the recruitment, selection, discipline, grievance, affirmative action, performance management, probationary periods, training and promotion of physicians and dentists employed by the County to work within the Cook County Health and Hospitals System in accordance with Chapter 38, Article V, et al., and the CCHHS Employment Plan in a manner consistent with applicable law and the requirements of applicable accrediting organizations. No physician or dentist shall be entitled to proceed under this article to grieve a corrective action taken against medical staff membership or clinical privileges pursuant to the applicable CCHHS Medical Staff Bylaws.

Effective Date: Immediately upon passage.

Commissioner Reyes, seconded by Commissioner Daley, moved to Approve Communication No. 321862 as Substituted. The motion carried.

Leave was granted to add Commissioners Collins, Daley, Murphy, Reyes, Sims and Steele as Sponsors of Communication No. 321862 as Substituted.

321867 EXAMING THE CROWDING AT THE COOK COUNTY JAIL AND THE USE OF ELECTRONIC MONITORING (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President, Jerry Butler, Earlean Collins, John P. Daley, John A Fritchey, Bridget Gainer, Jesus G. Garcia, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, Cook County Commissioners

PROPOSED RESOLUTION

**EXAMINING THE CROWDING AT THE COOK COUNTY JAIL
AND THE USE OF ELECTRONIC MONITORING**

WHEREAS, the President and the Cook County Board of Commissioners, in recommending and approving the annual appropriation bill, has invested in many programs to protect the general public and reduce the jail population at the Cook County Jail ("Jail"); and

WHEREAS, one of the programs the President and Cook County Board of Commissioners has invested in is an aggressive Electronic Monitoring program which provides for a lower-cost alternative to housing detainees at the Jail, provides a mechanism to reduce overcrowding at the Jail and allows certain detainees to be monitored in a non-correctional setting; and

WHEREAS, the Jail continues to see an increase in the jail population and the Jail had an increase in the average daily detainee population in 2012 from the average in 2011; and

WHEREAS, the cost per day of holding one individual in the Jail is significant and there should be an enhanced emphasis in placing applicable detainees in an Electronic Monitoring program; and

WHEREAS, placing detainees on Electronic Monitoring in a qualifying residence is a cost-effective alternative to incarceration in the Jail; and

WHEREAS, Electronic Monitoring allows qualifying participants to continue to work, go to school, attend religious services, and maintain family or community ties; and

WHEREAS, the Cook County Sheriff's Office operates an electronic monitoring program that can cost-effectively and safely monitor over fifteen hundred participants at any given time; and

WHEREAS, Illinois statutes expressly permits the use of Electronic Monitoring initiated by Judges or the Sheriff under certain specific circumstances; and

WHEREAS, since November 2012, the number of individuals using Electronic Monitoring has declined; and

WHEREAS, the average daily number of participants on the Electronic Monitoring has decreased by over four hundred since November 2012; and

WHEREAS, failure to use Electronic Monitoring programs to its greatest extent leads to additional costs for the County, increases the jail population and prevents qualifying participants from maintaining family and community ties; and

WHEREAS, the President and the Cook County Board of Commissioners through the Justice Advisory Council should work with the new General Assembly, the Chief Judge, the State's Attorney, the Public Defender and the Sheriff to review existing Electronic Monitoring laws and propose amendments to current legislation that will continue to protect the public but also allow for a broader use of Electronic Monitoring as a viable and safe alternative to incarceration in the Jail; and

WHEREAS, recommendations to modify and amend the existing Illinois laws to clarify and expand the use of Electronic Monitoring as a viable and safe alternative to incarceration should be reviewed by the President and the Cook County Board of Commissioners; and

WHEREAS, expanded use of Electronic Monitoring will reduce the Jail population, reduce the daily expenditures of the Jail and will allow the President, Cook County Board of Commissioners, the County and the Cook County Sheriff to reach substantial compliance under the Department of Justice Agreed Order.

NOW, THEREFORE, BE IT RESOLVED, that the President and the Cook County Board of Commissioners encourages the use of electronic monitoring in Cook County as a tool to address crowding at the Cook County Jail and to allow qualifying participants to be monitored in an approved residential setting; and

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BE IT FURTHER RESOLVED, that the President and Cook County Board of Commissioners encourages the Justice Advisory Council and the County public safety officials to come together to explore how to enhance the use of electronic monitoring and other effective means of reducing the population of the jail; and

BE IT FURTHER RESOLVED, that a committee comprised of representatives from the Justice Advisory Council, Chief Judges Office, Sheriff's Office, State's Attorney's Office, Public Defender's Office and other appropriate agencies and departments meet to develop and implement these programs; and

BE IT FURTHER RESOLVED that the committee report back to the President and the Cook County Board of Commissioners at the first board meeting in May of 2013 and September of 2013 on its progress, initiatives and activities to account for an enhanced use of Electronic Monitoring.

***Referred to the Legislation and Intergovernmental Relations Committee on 02-05-13.**

Communication No. 321867 was Deferred at Chairman Suffredin request.

322219 CHIEF FINANCIAL OFFICER (APPOINTMENT). Transmitting a Communication, dated February 20, 2013 from Toni Preckwinkle, President, Cook County Board of Commissioners.

Pursuant to Section 2-402 of the Cook County Code, I hereby appoint Ivan Samstein to the position of Chief Financial Officer, effective March 2, 2013. Ivan Samstein has most recently served in the position of Deputy Chief Financial Officer for Cook County and has previously held public finance positions with Bank of America, Merrill Lynch and Moody's Investors Service. Mr. Samstein has a Bachelor's Degree in Economics and a Masters in Business Administration.

Ivan Samstein is a highly qualified municipal finance professional and decorated veteran from the Illinois Army National Guard. Mr. Samstein has a demonstrated track record of exceeding organizational objectives by building relationships with internal and external constituencies coupled with significant experience in municipal finance.

I submit this communication for your approval.

***Referred to the Legislation and Intergovernmental Relations Committee on 02-27-13.**

Mr. Samstein delivered remarks as to his interest in and qualifications for the position.

Chairman Suffredin requested that Mr. Samstein's remarks and letters of recommendation be entered into the record.

Commissioner Daley, seconded by Commissioner Murphy, moved the Approval of Communication No. 322219. The motion carried.

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322220 **DIRECTOR OF ADMINISTRATIVE HEARINGS (APPOINTMENT).** Transmitting a Communication, dated February 11, 2013 from Toni Preckwinkle, President, Cook County Board of Commissioners.

Pursuant to Section 2-901 of the Cook County Code, I hereby appoint, effective immediately, John C. Allen, IV to the position of Director of Administrative Hearings. Mr. Allen is an experienced Attorney who has held legal positions as a Prosecuting Attorney and Special Prosecutor in the Commonwealth Attorney's Office in Virginia as well as in private practice specializing in Civil Litigation, Criminal Defense, Corporate Matters, Real Estate and Debt Collection. Mr. Allen has also served as the Chief Counsel in Administrative Services, Child Support Enforcement Division at the Illinois Department of Healthcare and Family Services (IDHFS) and more recently as the Inspector General for IDHFS.

Mr. Allen has direct experience improving administrative process and adjudication services; his experience and leadership will further enhance the County's Administrative Hearing Department.

I submit this communication for your approval.

***Referred to the Legislation and Intergovernmental Relations Committee on 02-27-13.**

Mr. Allen delivered remarks as to his interest in and qualifications for the position.

Chairman Suffredin requested that Mr. Allen's remarks and letters of recommendation be entered into the record.

Commissioner Silvestri, seconded by Commissioner Steele, moved the Approval of Communication No. 322220. The motion carried.

322236 **CHIEF OPERATING OFFICER FOR THE COOK COUNTY DEPARTMENT OF PUBLIC HEALTH (APPOINTMENT).** Transmitting a Communication, dated February 25, 2013 from Toni Preckwinkle, President, Cook County Board of Commissioners.

Pursuant to the Cook County Code of Ordinances, specifically, Chapter 38, Articles II and IV, I hereby appoint Terry Mason, M.D. to serve as the Chief Operating Officer for the Cook County Department of Public Health.

Dr. Mason has served as the Chief Medical Officer for the Cook County Health and Hospitals System for the last three (3) years and previously served as the Commissioner for the Chicago Department of Public Health.

As the Chief Operating Officer for the Cook County Department of Public Health, Dr. Mason will provide visionary leadership, fiscal responsibility and performance based accountability in management.

I submit this communication for your approval.

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***Referred to the Legislation and Intergovernmental Relations Committee on 02-05-13.**

Dr. Samson delivered remarks as to his interest in and qualifications for the position.

Chairman Suffredin requested that Dr. Mason's remarks and letters of recommendation be entered into the record.

Commissioner Daley, seconded by Commissioner Sims, moved the Approval of Communication No. 322236. The motion carried.

322237 COOK COUNTY LAND BANK AUTHORITY BOARD OF DIRECTORS (APPOINTMENT). Transmitting a Communication, dated February 27, 2013 from Toni Preckwinkle, President, Cook County Board of Commissioners.

I hereby appoint the following individuals to the Cook County Land Bank Authority Board of Directors for terms to begin immediately and expiring as noted below:

1. The Honorable John Ostenburg, expiring January 1, 2017, pursuant to the requirement that the Land Bank Authority Board contain two (2) Suburban Cook County Mayors, Presidents or Village Managers;
2. James Planey, expiring January 1, 2016, pursuant to the requirement that the Land Bank Authority Board contain one (1) representative from the commercial/industrial development community; and
3. Bishop Dr. Reginald Saffo, expiring January 1, 2014, pursuant to the requirement that the Land Bank Authority Board contain one (1) representative from a Suburban Cook County community organization.

I submit this communication for your approval.

***Referred to the Legislation and Intergovernmental Relations Committee on 02-05-13.**

The Honorable John Ostenburg, James Planey and Bishop Dr. Reginald Saffo delivered remarks as to their interest in and qualifications for the position.

Commissioner Daley, seconded by Commissioner Sims, moved to take up the Supplemental Agenda

Commissioner Daley, seconded by Commissioner Sims, moved the Approval of Communication No. 322237. The motion carried.

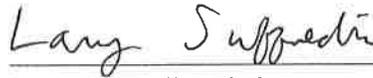
Commissioner Daley moved to adjourn the meeting, seconded by Commissioner Sims. The motion carried and the meeting was adjourned.

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

Communication Number 321862	Approved as Substituted
Communication Number 321867	Deferred
Communication Number 322219	Approved
Communication Number 322220	Approved
Communication Number 322236	Approved
Communication Number 322237	Approved

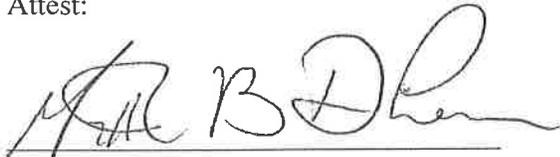
Respectfully submitted,

Committee on Legislation and
Intergovernmental Relations

 -B^u

Larry Suffredin, Chairman

Attest:


Matthew B. DeLeon, Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's website on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)

PLAINTIFF,)

v.)

COOK COUNTY, ILLINOIS;)
THOMAS DART, COOK COUNTY)
SHERIFF (in his official capacity);)
TODD H. STROGER, COOK COUNTY)
BOARD PRESIDENT (in his official)
capacity);)
COOK COUNTY BOARD OF)
COMMISSIONERS (in their official)
capacity);)

DEFENDANTS.)

Civil No. 10-C0-2946

Judge Virginia M. Kendall

**UNITED STATES' STATEMENT REGARDING AVAILABILITY OF ELECTRONIC
MONITORING AS A CONDITION OF RELEASE**

Overcrowding of the Cook County Jail ("Jail") negatively affects the ability of Cook County and the Cook County Sheriff to comply with the Agreed Order that was entered to resolve the United States' claims of unconstitutional conditions of confinement at the Jail. The parties and the Court have discussed a variety of factors impacting the Jail's population and possible means to address overcrowding. Arising out of those discussions, on February 25, 2013, the Court directed the parties to this matter to submit position papers regarding whether 725 Ill. Comp. Stat. § 5/110 or any other Illinois statute prohibits Illinois state court judges from ordering electronic monitoring as a condition of release from pretrial detention without also ordering the individual to pay a monetary bond. ECF No. 153. The United States hereby submits that Illinois law does not prohibit Illinois state court judges from ordering electronic

monitoring as a condition of or in lieu of monetary bail for pretrial defendants; indeed, Illinois state court judges are responsible for ensuring that individuals are “bailable before conviction,” as appropriate, under conditions that are not oppressive and are considerate of the pretrial defendant’s financial ability.

I. LEGAL STANDARDS FOR PREVENTIVE DETENTION

The Illinois Constitution guarantees that all persons shall be “bailable by sufficient sureties,” except for where “the proof is evident or the presumption great” with regard to capital offenses; offenses carrying a sentence of life imprisonment; and felony offenses where the court, after a hearing, determines that release would pose a real and present threat to the physical safety of any person. Ill. Const. art. I, § 9. Illinois statutes confirm that “[a]ll persons shall be bailable before conviction,” except where the proof is evident or the presumption great that the individual is guilty of capital offenses; offenses eligible for life imprisonment; or the following offenses, but only where the court, after a hearing, determines that release would pose “a real and present threat” to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat: 1) felony offenses eligible for life imprisonment without parole; 2) stalking; 3) unlawful use of weapons in or around a school; or 4) terrorist threats. 725 Ill. Comp. Stat. § 5/110-4. The burden of proof of such “real and present threat” is on the State. *Id.*; *People v. Purcell*, 758 N.E.2d 895, 901 (Ill. App. 2 Dist. 2001) (“Because the presumption of innocence is operative during pretrial bail proceedings,” a pretrial defendant cannot be “constitutionally required” to prove that he is eligible for bail.)

Illinois statutes are consistent with Supreme Court jurisprudence on the Excessive Bail clause of the Eighth Amendment. 725 Ill. Comp. Stat. § 5/110-5 sets out the numerous

conditions that courts should consider when determining the amount of bail and conditions of release. The statute expressly states that the “amount of bail” shall be sufficient to assure compliance with the conditions set forth in the bail bond, not oppressive, and considerate of the individual’s financial ability. 725 Ill. Comp. Stat. § 5/110-5(b). The Eighth Amendment unequivocally states that “[e]xcessive bail shall not be required.” U.S. Const. amend. XIII. “Like the ancient practice of securing the oaths of responsible persons to stand as sureties for the accused, the modern practice of requiring a bail bond or the deposit of a sum of money subject to forfeiture serves as additional assurance of the presence of an accused. Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is ‘excessive’ under the Eighth Amendment.” *Stack v. Boyle*, 342 U.S. 1, 5 (1951).

As discussed above, Illinois law lays out the specific situations in which the courts may deny bail to a pretrial defendant. See 725 Ill. Comp. Stat. § 5/110-4. If, in accordance with Illinois law, a pretrial defendant is eligible for bail, the government’s “only interest is in preventing flight, [and] bail must be set by a court at a sum designed to ensure that goal, and no more.” *U.S. v. Salerno*, 481 U.S. 739, 754 (1987); *Heikkinen v. U.S.*, 208 F.2d 738, 740 (7th Cir. 1953) (“Bail set at an amount higher than that reasonably calculated to insure that an accused will appear to stand trial and submit to sentence if convicted is excessive, and falls within the proscription of the Eighth Amendment of the Constitution of the United States.”). It is important to emphasize that “the presumption of innocence applies during bail proceedings and is a primary underpinning of allowing pretrial bail.” *Purcell*, 758 N.E.2d at 901 (citing *Stack*, 342 U.S. at 4). As such, pretrial defendants have a fundamental right to bail that is not excessive.

If a pretrial defendant is released, “either upon payment of bail security or on his or her own recognizance,” 725 Ill. Comp. Stat. § 5/110-10 (a), the court may impose other conditions, “if the court finds that such conditions are reasonably necessary to assure the defendant’s appearance in court, protect the public from the defendant, or prevent the defendant’s unlawful interference with the orderly administration of justice.” 725 Ill. Comp. Stat. § 5/110-10(b). The other conditions available to the court include placing the pretrial defendant “under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections.” *Id.* at (b)(14).

II. AVAILABILITY OF ELECTRONIC MONITORING

The Circuit Court of Cook County judges are authorized to place pretrial defendants on electronic monitoring as a condition of release “either upon payment of bail security or on his or her own recognizance.” 725 Ill. Comp. Stat. § 5/110-10(a) & (b)(14). As such, the Circuit Court judges need not set a monetary amount for bail in conjunction with placing an individual on electronic monitoring, but may order electronic monitoring as a condition of an “own recognizance” release.¹ Given that electronic monitoring provides increased security and supervision over the individual’s release, there is no need to pair electronic monitoring with substantial monetary bail. If a Circuit Court judge chooses to set a monetary amount, the judge must consider the pretrial detainee’s financial ability and the amount of bail must not be

¹ In addition, for those pretrial detainees placed on electronic monitoring, the court shall impose “as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be.” 725 Ill. Comp. Stat. § 5/110-10(b)(14.2).

oppressive. 725 Ill. Comp. Stat. § 5/110-5(b); *Stack*, 342 U.S. at 5; *Heikkinen*, 208 F.2d at 740. The Circuit Court judge could choose to pair electronic monitoring with a nominal amount of bail. It is the responsibility of the Circuit Court judges to ensure that those pretrial defendants who are appropriate for release are “bailable before conviction,” subject to conditions that are possible for the pretrial defendant to meet.

In contrast, Illinois law does not grant the Sheriff the “the unilateral authority to commit county jail inmates to electronic home detention.” 1997 Ill. Atty. Gen. Op., 1997 WL 274299 (May 6, 1997). In the instant matter, the Sheriff has received authority from a three-judge panel to place up to 1500 pretrial defendants on electronic monitoring, subject to very specific requirements and restrictions. ECF Nos. 62, 68, 70 (“Prisoner Release Order”). However, the Sheriff’s authority under the Prisoner Release Order does not supplant the responsibilities of the Cook County Circuit Court to ensure that pretrial defendants are “bailable before conviction,” as appropriate, including the use of electronic monitoring as a condition of bail or own recognizance release. 725 Ill. Comp. Stat. § 5/110-4; *Duran v. Elrod*, 713 F. 2d 292, 297-98 (7th Cir. 1983) (affirming district court holding that “the primary and direct responsibility” with regard to bail and release of pretrial defendants resides with the state court judges).

III. COMPLIANCE WITH PREVENTIVE DETENTION LAW WOULD EASE OVERCROWDING AND FACILITATE CONSTITUTIONAL JAIL CONDITIONS

Ninety percent of the Cook County Jail's population is pretrial detainees. According to a July 2012 report by the Cook County Justice Advisory Committee ("JAC"), over 66% of Cook County Jail's pretrial detainees have a cash bond set at the initial bond hearing. JAC Report: Examination of Cook County Bond Court, at 3 (July 12, 2012) (attached as Exhibit 1). The Cook County Circuit Court judges have determined that those pretrial detainees are appropriate for release and, in accordance with Illinois law and the United States Constitution, the conditions of their release should be attainable. According to the JAC Report, "the large majority of pretrial detainees, who procedurally have not been adjudicated guilty, are unable to post the necessary bail to achieve release." *Id.* If, consistent with the authority granted by Illinois law, the Circuit Court increased the use of electronic monitoring as a condition of release in lieu of substantial monetary bail, fewer individuals would remain in the Cook County Jail awaiting trial.² If the Circuit Court determines that an individual is not appropriate for release on electronic monitoring but is eligible for bail, bail must be set at an amount that is not excessive, which would also allow more defendants to avoid long pretrial detentions at the Jail.

As a three-judge panel in this matter has already held, "overcrowding is a primary cause of unconstitutional conditions at the jail." *United States v. Cook County*, 761 F. Supp.2d 794, 797 (N.D. Ill. 2011). The Agreed Order entered by this Court resolves the United States' claims of unconstitutional conditions of confinement by laying out comprehensive reforms necessary to

² The American Bar Association's Standards for Pretrial Release mandate that financial conditions should be used only when no other conditions will provide reasonable assurance that a defendant will appear in court. American Bar Association, *ABA Standards for Criminal Justice: Pretrial Release*, § 10-1.4(c) (3d ed. 2007). In addition, the court "should not impose a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant's inability to pay." *Id.* at § 10-1.4(e).

remedy the constitutional deficiencies at the Cook County Jail. ECF No. 13. While the Sheriff and Cook County have been making steady progress toward substantial compliance with the Agreed Order, overcrowding at the facility is a serious threat to compliance. On February 25, 2013, the population of the Cook County Jail ballooned to 9,801 inmates, which filled over 96% of the Jail's available beds.³ Cook County Department of Corrections Executive Directors Log (attached as Exhibit 2). Overcrowding delays, and indeed may prevent, the Sheriff and Cook County from achieving compliance with the Agreed Order and ensuring constitutional conditions of confinement at the Cook County Jail. As discussed above, nothing in Illinois state law prohibits the Cook County Circuit Court from ordering electronic monitoring as a condition of release from pretrial detention without also ordering the pretrial defendant to pay a monetary bond. In addition, Illinois law and the Constitution require that when bail is set, it is not excessive. Therefore, to facilitate compliance with the Agreed Order and the maintenance of constitutional conditions at the Jail, the Cook County Circuit Court should use its authority to reduce overcrowding by: (a) placing pretrial defendants on electronic monitoring, as appropriate, as a condition of an "own recognizance release;" (b) placing pretrial defendants on electronic monitoring in conjunction with a nominal monetary bail amount; or (c) setting monetary bail at an attainable amount, consistent with Illinois preventive detention law.

³ Because inmates must be housed according to their classification status, which accounts for the inmate's security level, gender, health status, and other factors, some of the Jail's Divisions exceed capacity before the total population reaches 100% of capacity. For example, on February 25, one of the Jail's medical units housed 124 inmates in a facility with rated capacity for 90 inmates. *See* Ex. 2.

Respectfully submitted,

FOR THE UNITED STATES:

GARY S. SHAPIRO
Acting United States Attorney
Northern District of Illinois

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

PATRICK JOHNSON
Assistant United States Attorneys
Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5327
patrick.johnson2@usdoj.gov

ROY L. AUSTIN, JR
Deputy Assistant Attorney General
Civil Rights Division

JONATHAN SMITH
Chief
Special Litigation Section

SHELLEY R. JACKSON
Deputy Chief
Special Litigation Section

s/ Kerry Krentler Dean
KERRY KRENTLER DEAN
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, NW
PHB 5026
Washington, D.C. 20530
(202) 514-6255
kerry.k.dean@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on March 8, 2013, I served a true and correct copy of the United States' Statement Regarding the Availability of Electronic Monitoring as a Condition of Bail with Clerk of the Court using the CM/ECF system, which will provide notification to all counsel of record.

Respectfully submitted,

s/ Kerry Krentler Dean
KERRY KRENTLER DEAN
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, NW
PHB 5026
Washington, D.C. 20530
(202) 514-6255
kerry.k.dean@usdoj.gov
FOR THE UNITED STATES

United States District Court for the
Northern District of Illinois,
Eastern Division

United States of America,)	
)	No. 10-CV-2946
Plaintiffs,)	
)	Judge Virginia Kendall
v.)	
)	
Cook County, Illinois, et al.,)	
)	
Defendants.)	

Position of the Public Defender of Cook County regarding authority of Illinois state court judges to release pretrial detainees under electronic monitoring even where no monetary bond is required

This litigation revolves around the crowded conditions at the Cook County Department of Corrections (CCDOC). The Public Defender of Cook County is the presumptive counsel for all indigent persons charged with criminal offenses in Cook County. The ability of each client to be released from CCDOC while his or her case is pending – whether through a recognizance bond, the posting of bail, or an imposed condition of electronic monitoring – affects the efficacy of representation and ability of the Public Defender to secure a fair outcome for that client. The Public Defender therefore has an interest in this litigation and seeks to advance his position as an advocate for his clients.

To that end, the Public Defender offers this position statement that the governing statutes are not ambiguous and permit circuit court judges of

Illinois to attach electronic monitoring (EM) as a condition of bond, even where that bond releases the individual on his or her own recognizance. EM is not predicated on the existence of monetary bond.

As explained below, the Public Defender first sets forth his interest to justify the filing of his position with this Court, and then sets forth the pertinent statutes that make his position clear.

Constitutional mandate

The Sixth Amendment to the Constitution of the United States requires that “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, . . . and to have the assistance of counsel for his defence.” U.S. Const., Amend. VI. The Illinois Constitution has a corollary provision. Illinois Const. 1970, Art. I, § 8.

The Sixth Amendment right to the assistance of counsel was applied to the States, via the due process clause of the Fourteenth Amendment, through the case of *Gideon v. Wainwright*, 372 U.S. 335 (1963). *Gideon’s* extent was explained by *Argersinger v. Hamlin*, 407 U.S. 25 (1972). “[A]bsent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial.” *Id.* at 37. See also *Scott v. Illinois*, 440 U.S. 367, 373 (1979) (“the central premise of *Argersinger* – that actual imprisonment is a penalty different in kind from fines or the mere threat of imprisonment – is

eminently sound and warrants adoption of actual imprisonment as the line defining the constitutional right to appointment of counsel.”)

Statutory mandate

The duties of the Public Defender, and interest the Public Defender has in the current litigation, are defined by the Public Defender and Appointed Counsel Act. 55 ILCS 5/3-4000 et seq. The general duties of the Public Defender are defined as follows:

55 ILCS 5/3-4006. Duties of public defender. The Public Defender, as directed by the court, shall act as attorney, without fee, before any court within any county for all persons who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel.

The Public Defender shall be the attorney, without fee, when so appointed by the court under Section 1-20 of the Juvenile Court Act or Section 1-5 of the Juvenile Court Act of 1987 [705 ILCS 405/1-5] or by any court under Section 5(b) of the Parental Notice of Abortion Act of 1983 [720 ILCS 520/5(b)] for any party who the court finds is financially unable to employ counsel.

Every court shall, with the consent of the defendant and where the court finds that the rights of the defendant would be prejudiced by the appointment of the public defender, appoint counsel other than the public defender, except as otherwise provided in Section 113-3 of the "Code of Criminal Procedure of 1963" [725 ILCS 5/113-3]. That counsel shall be compensated as is provided by law. He shall also, in the case of the conviction of any such person, prosecute any proceeding in review which in his judgment the interests of justice require.

Section 113-3 of the Code of Criminal Procedure further defines the presumptive appointment of the Public Defender to the indigent accused:

(a) Every person charged with an offense shall be allowed counsel before pleading to the charge. . . .

(b) In all cases, except where the penalty is a fine only, if the court determines that the defendant is indigent and desires counsel, the Public Defender shall be appointed as counsel. If there is no Public Defender in the county or if the defendant requests counsel other than the Public Defender and the court finds that the rights of the defendant will be prejudiced by the appointment of the Public Defender, the court shall appoint as counsel a licensed attorney at law of this State, except that in a county having a population of 2,000,000 or more the Public Defender shall be appointed as counsel in all misdemeanor cases where the defendant is indigent and desires counsel unless the case involves multiple defendants, in which case the court may appoint counsel other than the Public Defender for the additional defendants. . . .

725 ILCS 5/113-3

For all felony and misdemeanor prosecutions, the Public Defender is presumptive counsel under Section 113-3. “The statute clearly states that the public defender shall be appointed as counsel for an indigent defendant unless such an appointment will prejudice the rights of the defendant. Contrary to defendant's assertion, unless there is a determination that such prejudice will result, the court does not have discretion to appoint counsel other than the public defender.” *People v. Clark*, 108 Ill. App. 3d 1071, 1078 (1st Dist. 1982).

Statutes governing bail bond and electronic monitoring

The rules governing the imposition of EM on any person in Illinois is governed by the Electronic Home Detention Law, 730 ILCS 5/5-8A-1 et seq.

730 ILCS 5/5-8A-3 identifies the situations in which EM may be imposed. Most of the situations involve a person already convicted. However, EM is authorized for persons in “pretrial or pre-adjudicatory detention.” 730 ILCS 5/5-8A-3(f)(1).

The use of EM as during pretrial detention is governed by 725 ILCS 5/110-10(b), which states:

The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

* * *

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections [730 ILCS 5/5-8A-1 et seq.];

In 1997, the Illinois Attorney General offered the opinion that EM is a permissible condition of pretrial release. The Attorney General concluded that a judge can impose EM as a condition of release. See Ill. Att. Gen. Opinion 97-006, “Authority of County Sheriff to Order a County Jail Inmate to Electronic Home Detention Without Leave of Court.”

The Bail article in the Code of Criminal Procedure is found at 725 ILCS 5/110-1 et seq. Section 110-2 permits a judge to release an accused on his/her own recognizance, known in the Illinois criminal court system as an I-bond.

An I-bond is permissible, “When from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond. . . .”

Separately, Section 110-10 codifies the conditions of bail bond that may be imposed. It states, in express terms, “If a person is released prior to conviction, either upon payment of bail security *or on his or her own recognizance*, the conditions of the bail bond shall be that he or she will” following by a laundry list of potential conditions. 725 ILCS 5/110-10(a).

(Emphasis added.)

As already noted above, Section 110-10(b) permits the imposition of additional conditions, including EM as condition 14. 725 ILCS 5/110-10(b)(14). EM is also approved as a condition for persons charged with any alcohol, cannabis, methamphetamine, or controlled substance violation 725 ILCS 5/110-10(b)(14.1).

Position of the Public Defender

The issue of who has authority to release detainees on EM has arisen previously before this Court. On March 14, 2011, a three-judge district court ordered that the Sheriff of Cook County may release detainees in order to reduce the population of CCDOC. On March 29, 2011, the same three-judge district court clarified its ruling to hold that “the Sheriff of Cook County may

release on electronic monitoring pretrial detainees to prevent overcrowding and thus reduce the number of potential constitutional violations stemming from overcrowding at the Cook County Jail. No more than 1,500 pretrial detainees may be on this release status at any time without the express permission of this Court.” 10-CV-02946, Document #70, Filed March 29, 2011.

After a conference held on February 22, 2013, this District Court issued a minute order directing the parties to submit position papers by March 8, 2013 regarding whether 725 ILCS 5/110 or any other Illinois statute prohibits Illinois state court judges from ordering EM as a condition of release from pre-trial detention without also ordering the pre-trial detainee to pay a monetary bond.

The governing statutes are not ambiguous. Conditions of bail bond may be imposed even if the accused is released on his or her own recognizance. Judges are authorized to release individuals without payment of money, yet with EM.

As the presumptive counsel for many of the indigent accused in CCDOC, the Public Defender has an interest in the release of his clients pending trial. The Illinois statutes are not murky or indecipherable. They are clear and permit state court judges to release detainees on EM, even if no monetary bond is attached.

It is therefore respectfully requested that the position of the Public Defender be recognized, and that this Court rule that judges in the state courts of Illinois have the authority to order electronic monitoring as a condition of release from pretrial detention without also ordering payment of a monetary bond.

Respectfully submitted,

ABISHI C. CUNNINGHAM, JR.
Public Defender of Cook County

By: /s/ ABISHI C. CUNNINGHAM, JR.

Public Defender of Cook County
69 West Washington
16th Floor
Chicago, IL 60602
312-603-0600

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) 10 C 2946
 v.)
) Judge Virginia M. Kendall
)
 COOK COUNTY, ILLINOIS;)
 THOMAS DART, COOK COUNTY)
 SHERIFF; TONI PRECKWINKLE,)
 COOK COUNTY BOARD)
 PRESIDENT; COOK COUNTY)
 BOARD OF COMMISSIONERS,)
)
 Defendants.)

**Position Paper of Cook County Concerning State Court Authority to
Order Electronic Monitoring as Condition of Release
Without Payment of Monetary Bond**

NOW COME the Defendants, TONI PRECKWINKLE, PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS in her official capacity, the COOK COUNTY BOARD OF COMMISSIONERS in their official capacities and COOK COUNTY, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through Deputy State's Attorney Patrick T. Driscoll, Jr., and Assistant State's Attorney Donald J. Pechous, and respond to this Court's Order of February 25, 2013 as follows:

The Court has directed the parties to respond to the following: Whether 725 ILCS 5/110 or any other Illinois statute prohibits Illinois state court judges from

ordering electronic monitoring as a condition of release from pre-trial detention without also ordering the pre-trial detainee to pay a monetary bond.

A state court trial judge is expressly authorized by Section 10 of Article 110, "Bail," of the Illinois Code of Criminal Procedure to impose the condition of electronic monitoring upon a pre-trial detainee that the judge has ordered released on his or her own recognizance. 725 ILCS 5/110-10(a); (b)(14 -14.3). Accordingly, a pre-trial detainee is not required to post a monetary bond as a pre-condition to electronic monitoring eligibility.

Pursuant to Section 109-1 of the Illinois Code Criminal Procedure, "A person arrested with or without a warrant shall be taken without unnecessary delay before the nearest and most accessible judge in that county," and that judge is required to "[a]dmit the defendant to bail in accordance with the provisions of Article 110 of this Code." 725 ILCS 5/109-1. Article 110 defines "bailable offenses," and provides explicit guidance for "[d]etermining the amount of bail and conditions of release." *See*, 725 ILCS 5/110-4, 110-5. Section 2 of Article 110, "Release on own recognizance," authorizes the court to release the defendant on his or her own recognizance "[w]hen from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond." 725 ILCS 5/110-2. This section presumes that an individual recognizance bond contains conditions.

Section 10 of Article 110, "Conditions of bail bond," is a lengthy section setting forth six mandatory conditions of bond as well a number of optional conditions that the court may impose, including electronic monitoring, "if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice." 725 ILCS 5/110-10. The first paragraph of this section plainly provides that the conditions are applicable to persons released upon their own recognizance, as well as those who have paid bail security:

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will...

725 ILCS 5/110-10(a).

Subsection 110-10(b) authorizes the court to impose other conditions including placing the defendant on electronic monitoring. That subsection provides in pertinent part as follows:

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

* * *

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with

any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, DNA testing, GPS electronic monitoring, assessments and evaluations related to domestic violence and other victims, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

* * *

725 ILCS 5/110-10(b). Thus, Section 110-10 clearly authorizes a state court judge to impose the condition of electronic monitoring upon a pretrial detainee that the judge has ordered released on his or her own recognizance; the imposition of a monetary bond is not a prerequisite to imposing electronic monitoring. This conclusion is not altered by the various definitions set forth in the General Definitions article of the Code of Criminal Procedure for bail, bail bond, and recognizance. See, 725 ILCS 5/102-6 ("Bail"), 102-7 ("Bail bond"); and 102-19 ("Recognizance"). It is a fundamental rule of statutory construction that where there exists a general statutory provision and a specific statutory provision, either in the same or another act, which both relate to the same subject, the specific provision controls and should be applied. *People v. Villarreal*, 152 Ill. 2d 368, 379, 604 N.E.2d 923 (1992). The context in which the term "bail bond" is used in Section 110-10 indicates that "the conditions of the bail bond" are applicable to both persons released upon payment of bail security and those released upon recognizance. See, 725 ILCS 5/110-10(a) (as set forth above). Moreover, we note that the conditions of electronic monitoring and home confinement have been routinely applied to persons released on recognizance bonds. See, e.g., *People v. Thompson*, 174 Ill. App. 3d 496, 528 N.E. 2d 1016 (2nd Dist. 1988); *People v. Ramos*, 138 Ill. 2d 152, 561 N.E. 2d 643 (1990).

In a 1997 Illinois Attorney General opinion, the Attorney General construed the language in Section 110-10 to support his conclusion that "in the pre-trial setting the trial court retains the sole authority to impose electronic home

monitoring as a condition of bond.” See, *Ill. Op. Att’y Gen., No. 97-006, issued May 6, 1997*. The Illinois Attorney General determined that the Home Detention Law, 730 ILCS 5/5-8A-1 *et seq.*, did not grant the sheriff independent statutory authority to place jail inmates on electronic monitoring either as a condition of bond in a pre-trial setting or following conviction and sentencing to periodic release or probation. The Attorney General contrasted the statutory authority of the sheriff with that granted to the courts and the Prisoner Review Board, noting, “By granting the courts and the Prisoner Review Board the express statutory authority to order electronic detention, it must be assumed that the General Assembly did not intend by implication to grant that authority to sheriffs.” *Ill. Op. Att’y Gen., No. 97-006, issued May 6, 1997*.

The sheriff has been statutorily designated as “the warden of the jail of the County” and is given explicit authority “to have charge of all prisoners held in any institution, center or other facility in the county.” 730 ILCS 125/2; 55 ILCS 5/3-15003. The sheriff is required to receive and confine in such jail all persons committed to such jail by any competent authority “until discharged by due course of law.” 730 ILCS 125/4. The sheriff is authorized to release persons in his custody to the State’s Attorney or law enforcement personnel for the purpose of furthering criminal investigations. 730 ILCS 125/19.5. The Sheriff of Cook County is further authorized to “transfer or recommit any prisoner from one institution...to another institution...whenever [he] determines that such transfer or recommitment...is necessary to relieve overcrowding.” 55 ILCS 5/3-15003(b). Pursuant to the Home

Detention Law, the Sheriff may serve as a "supervisory authority" for the purpose of administering an electronic home detention program. 730 ILCS 5/5-8A-2(E); 5-8A-4. By contrast, as noted by the Attorney General, *supra*, pursuant to Illinois law, "the trial court retains the sole authority to impose electronic home monitoring as a condition of bond." *See also, Leinberger v. Campion*, 1994 U.S. Dist. LEXIS 9474, **21-22 (N.D. Ill. July 13, 1994)(Andersen, J.) ("Illinois law grants judges the authority to set bail and any conditions thereto, and to remand criminal defendants into the custody of peace officers for violating conditions of bail [*citing 725 ILCS 5/110-1 et seq.*]). This is consistent with the Illinois Supreme Court's determination that the courts have inherent powers with regard to bail. *See, People ex rel. Hemingway v. Elrod*, 60 Ill. 2d 74, 83-84, 322 N.E.2d 837 (1975) ("the constitutional right to bail must be qualified by the authority of the courts, as an incident of their power to manage the conduct of proceedings before them, to deny or revoke bail when such action is appropriate to preserve the orderly process of criminal procedure;" denial of bail under certain circumstance "is within the inherent power of the court").

While the authority to order a pretrial detainee released on bond with a condition that he or she participate in an electronic home detention program is vested solely in the court under Illinois law, the Sheriff of Cook County has also been authorized by the prisoner release order entered in this cause, pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626, to release up to 1,500 eligible, i.e., non-violent, pretrial detainees on electronic monitoring to prevent

overcrowding at the Cook County Jail. Based on the authority granted by the Order from the three-judge panel entered on March 29, 2011 (Docket Entry 70), the Sheriff is charged with specific authority and discretion, and independent of the state courts, to discharge up to 1,500 eligible pretrial detainees regardless of any bond conditions which may or may not have been imposed by the state court.

Accordingly, for the above stated reasons, it is the position of Cook County that no Illinois statute prohibits Illinois state court judges from ordering electronic monitoring as a condition of release from pretrial detention without also ordering the pretrial detainee to pay a monetary bond. Therefore, a pretrial detainee is not required to post a monetary bond as a prerequisite to electronic monitoring eligibility. Moreover, the Sheriff of Cook County is authorized to release up to 1,500 eligible pretrial detainees on electronic monitoring to prevent overcrowding, in addition to any pretrial detainees who Illinois state court judges have ordered placement on electronic monitoring as a condition of bail.

Respectfully Submitted,

ANITA ALVAREZ
State's Attorney of Cook County

By: /s/Donald J. Pechous
Donald J. Pechous
Deputy Chief
Civil Actions Bureau
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-3378

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

COOK COUNTY, ILLINOIS;)

THOMAS DART, COOK COUNTY)

SHERIFF; TONI PRECKWINKLE,)

COOK COUNTY BOARD)

PRESIDENT; COOK COUNTY)

BOARD OF COMMISSIONERS,)

Defendants.)

10 C 2946

Judge Virginia M. Kendall

**Position Paper of Cook County Concerning State Court Authority to
Order Electronic Monitoring as Condition of Release
Without Payment of Monetary Bond**

NOW COME the Defendants, TONI PRECKWINKLE, PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS in her official capacity, the COOK COUNTY BOARD OF COMMISSIONERS in their official capacities and COOK COUNTY, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through Deputy State's Attorney Patrick T. Driscoll, Jr., and Assistant State's Attorney Donald J. Pechous, and respond to this Court's Order of February 25, 2013 as follows:

The Court has directed the parties to respond to the following: Whether 725 ILCS 5/110 or any other Illinois statute prohibits Illinois state court judges from

ordering electronic monitoring as a condition of release from pre-trial detention without also ordering the pre-trial detainee to pay a monetary bond.

A state court trial judge is expressly authorized by Section 10 of Article 110, "Bail," of the Illinois Code of Criminal Procedure to impose the condition of electronic monitoring upon a pre-trial detainee that the judge has ordered released on his or her own recognizance. 725 ILCS 5/110-10(a); (b)(14 -14.3). Accordingly, a pre-trial detainee is not required to post a monetary bond as a pre-condition to electronic monitoring eligibility.

Pursuant to Section 109-1 of the Illinois Code Criminal Procedure, "A person arrested with or without a warrant shall be taken without unnecessary delay before the nearest and most accessible judge in that county," and that judge is required to "[a]dmit the defendant to bail in accordance with the provisions of Article 110 of this Code." 725 ILCS 5/109-1. Article 110 defines "bailable offenses," and provides explicit guidance for "[d]etermining the amount of bail and conditions of release." *See*, 725 ILCS 5/110-4, 110-5. Section 2 of Article 110, "Release on own recognizance," authorizes the court to release the defendant on his or her own recognizance "[w]hen from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond." 725 ILCS 5/110-2. This section presumes that an individual recognizance bond contains conditions.

Section 10 of Article 110, "Conditions of bail bond," is a lengthy section setting forth six mandatory conditions of bond as well a number of optional conditions that the court may impose, including electronic monitoring, "if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice." 725 ILCS 5/110-10. The first paragraph of this section plainly provides that the conditions are applicable to persons released upon their own recognizance, as well as those who have paid bail security:

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will...

725 ILCS 5/110-10(a).

Subsection 110-10(b) authorizes the court to impose other conditions including placing the defendant on electronic monitoring. That subsection provides in pertinent part as follows:

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

* * *

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with

any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, DNA testing, GPS electronic monitoring, assessments and evaluations related to domestic violence and other victims, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

* * *

725 ILCS 5/110-10(b). Thus, Section 110-10 clearly authorizes a state court judge to impose the condition of electronic monitoring upon a pretrial detainee that the judge has ordered released on his or her own recognizance; the imposition of a monetary bond is not a prerequisite to imposing electronic monitoring. This conclusion is not altered by the various definitions set forth in the General Definitions article of the Code of Criminal Procedure for bail, bail bond, and recognizance. See, 725 ILCS 5/102-6 (“Bail”), 102-7 (“Bail bond”); and 102-19 (“Recognizance”). It is a fundamental rule of statutory construction that where there exists a general statutory provision and a specific statutory provision, either in the same or another act, which both relate to the same subject, the specific provision controls and should be applied. *People v. Villarreal*, 152 Ill. 2d 368, 379, 604 N.E.2d 923 (1992). The context in which the term “bail bond” is used in Section 110-10 indicates that “the conditions of the bail bond” are applicable to both persons released upon payment of bail security and those released upon recognizance. See, 725 ILCS 5/110-10(a) (as set forth above). Moreover, we note that the conditions of electronic monitoring and home confinement have been routinely applied to persons released on recognizance bonds. See, e.g., *People v. Thompson*, 174 Ill. App. 3d 496, 528 N.E. 2d 1016 (2nd Dist. 1988); *People v. Ramos*, 138 Ill. 2d 152, 561 N.E. 2d 643 (1990).

In a 1997 Illinois Attorney General opinion, the Attorney General construed the language in Section 110-10 to support his conclusion that “in the pre-trial setting the trial court retains the sole authority to impose electronic home

monitoring as a condition of bond.” *See, Ill. Op. Att’y Gen., No. 97-006, issued May 6, 1997.* The Illinois Attorney General determined that the Home Detention Law, 730 ILCS 5/5-8A-1 *et seq.*, did not grant the sheriff independent statutory authority to place jail inmates on electronic monitoring either as a condition of bond in a pre-trial setting or following conviction and sentencing to periodic release or probation. The Attorney General contrasted the statutory authority of the sheriff with that granted to the courts and the Prisoner Review Board, noting, “By granting the courts and the Prisoner Review Board the express statutory authority to order electronic detention, it must be assumed that the General Assembly did not intend by implication to grant that authority to sheriffs.” *Ill. Op. Att’y Gen., No. 97-006, issued May 6, 1997.*

The sheriff has been statutorily designated as “the warden of the jail of the County” and is given explicit authority “to have charge of all prisoners held in any institution, center or other facility in the county.” 730 ILCS 125/2; 55 ILCS 5/3-15003. The sheriff is required to receive and confine in such jail all persons committed to such jail by any competent authority “until discharged by due course of law.” 730 ILCS 125/4. The sheriff is authorized to release persons in his custody to the State’s Attorney or law enforcement personnel for the purpose of furthering criminal investigations, 730 ILCS 125/19.5. The Sheriff of Cook County is further authorized to “transfer or recommit any prisoner from one institution...to another institution...whenever [he] determines that such transfer or recommitment...is necessary to relieve overcrowding.” 55 ILCS 5/3-15003(b). Pursuant to the Home

Detention Law, the Sheriff may serve as a "supervisory authority" for the purpose of administering an electronic home detention program. 730 ILCS 5/5-8A-2(E); 5-8A-4. By contrast, as noted by the Attorney General, *supra*, pursuant to Illinois law, "the trial court retains the sole authority to impose electronic home monitoring as a condition of bond." See also, *Leinberger v. Champion*, 1994 U.S. Dist. LEXIS 9474, **21-22 (N.D. Ill. July 13, 1994)(Andersen, J.) ("Illinois law grants judges the authority to set bail and any conditions thereto, and to remand criminal defendants into the custody of peace officers for violating conditions of bail [*citing 725 ILCS 5/110-1 et seq.*"). This is consistent with the Illinois Supreme Court's determination that the courts have inherent powers with regard to bail. See, *People ex rel. Hemingway v. Elrod*, 60 Ill. 2d 74, 83-84, 322 N.E.2d 837 (1975) ("the constitutional right to bail must be qualified by the authority of the courts, as an incident of their power to manage the conduct of proceedings before them, to deny or revoke bail when such action is appropriate to preserve the orderly process of criminal procedure;" denial of bail under certain circumstance "is within the inherent power of the court").

While the authority to order a pretrial detainee released on bond with a condition that he or she participate in an electronic home detention program is vested solely in the court under Illinois law, the Sheriff of Cook County has also been authorized by the prisoner release order entered in this cause, pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626, to release up to 1,500 eligible, i.e., non-violent, pretrial detainees on electronic monitoring to prevent

overcrowding at the Cook County Jail. Based on the authority granted by the Order from the three-judge panel entered on March 29, 2011 (Docket Entry 70), the Sheriff is charged with specific authority and discretion, and independent of the state courts, to discharge up to 1,500 eligible pretrial detainees regardless of any bond conditions which may or may not have been imposed by the state court.

Accordingly, for the above stated reasons, it is the position of Cook County that no Illinois statute prohibits Illinois state court judges from ordering electronic monitoring as a condition of release from pretrial detention without also ordering the pretrial detainee to pay a monetary bond. Therefore, a pretrial detainee is not required to post a monetary bond as a prerequisite to electronic monitoring eligibility. Moreover, the Sheriff of Cook County is authorized to release up to 1,500 eligible pretrial detainees on electronic monitoring to prevent overcrowding, in addition to any pretrial detainees who Illinois state court judges have ordered placement on electronic monitoring as a condition of bail.

Respectfully Submitted,

ANITA ALVAREZ
State's Attorney of Cook County

By: /s/Donald J. Pechous
Donald J. Pechous
Deputy Chief
Civil Actions Bureau
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-3378

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
v.)
)
COOK COUNTY, ILLINOIS;)
THOMAS DART, COOK COUNTY)
SHERIFF (in his official capacity);)
TONI PRECKWINKLE, COOK COUNTY)
BOARD PRESIDENT (in her official)
Capacity);)
COOK COUNTY BOARD OF)
COMMISSIONERS (in their official)
capacity);)
)
DEFENDANTS.)

Case No. 10 CV 2946

Judge Virginia M. Kendall

**DEFENDANT, THOMAS J. DART, SHERIFF OF COOK COUNTY'S POSITION
PAPER REGARDING ELECTRONIC MONITORING**

NOW COMES Thomas J. Dart, the Sheriff of Cook County, by and through his attorneys, Paul O'Grady and Peterson, Johnson & Murray Chicago LLC, and for his position paper regarding electronic monitoring, states as follows:

INTRODUCTION

Following a conference held on February 22, 2013 before this Court, the parties were directed to submit position papers "regarding whether 725 ILCS 5/110 or any other Illinois statute prohibits Illinois state court judges from ordering electronic monitoring as a condition of release from pretrial detention without also ordering the pre-trial detainee to pay a monetary bond." (2/25/13 Min. Or., Doc. No. 53). The Sheriff's position in this matter is simple: Illinois statutes clearly do not require a pre-trial detainee to pay a monetary bond in order to be eligible for electronic monitoring (EM) and therefore Cook County Circuit Court judges have no sound justification for essentially abandoning the use of EM. In addition to creating a situation

whereby defendants who but three months ago would have otherwise been placed on EM yet now face deposit bonds (D-bonds) they cannot afford, the judges' unwillingness to place pretrial detainees on EM is partly responsible for causing the average daily population of the Cook County Department of Corrections ("DOC") to reach its highest level for a February since 2006. This high population of course jeopardizes the County's and the Sheriff's ability to comply with the provisions of the Agreed Order.

HISTORY OF ELECTRONIC MONITORING AT THE DOC

Dating back to 1983, Judge Milton Shadur while presiding judge over the *Duran* Consent Decree, which was subsumed by this matter, made clear that it was the primary and direct responsibility of the state court judiciary to issue bonds to detainees and ensure that eligible pretrial detainees with low bonds would be provided recognizance bonds when appropriate. That decision was appealed and affirmed by the Seventh Circuit. *Duran v. Elrod*, 713 F. 2d 292 (7th Cir. 1983).

When the Sheriff began using EM in 1988 as a measure to relieve overcrowding, there was no statutory authority expressly permitting the judiciary to make electronic monitoring a condition of bond. Statutes subsequently enacted are directly on point. Specifically, a simple reading of 725 ILCS 5/110-2, 725 ILCS 5/110-10, and 730 ILCS 5/5-8A-3 makes clear that a judge's use of EM is not limited by the type of bond granted to the detainee. This means that judges have the discretion to use EM as a condition of a deposit bond, cash bond (C-bond), and, importantly, a recognizance bond (I-bonds), the latter of which does not require a monetary payment.

The Sheriff's struggle to streamline the EM process has been well documented for many years. As the Court is aware, just two years ago the Sheriff, with support from the Department of Justice, sought and was granted a Release Order under 18 USC § 3626. The Three Judge

Panel noted that:

Many of the pretrial detainees in the Cook County Jail would, moreover, be bailed on their own recognizance, or on bonds small enough to be within their means to pay, were it not for the unexplained reluctance of state judges in Cook County to set affordable terms for bail; apparently these judges consider the release of pretrial detainees to be the Sheriff's responsibility.

(10-cv-2946, Doc. No. 62, p. 7) (emphasis added).

Following the final entry of the proposed order on June 2, 2011, the Sheriff retained former Circuit Court Judges Wasilewski and Frossard to review the records of individuals potentially qualifying for EM under the guidelines of the Release Order. Almost immediately after this appointment, the EM orders from bond court increased dramatically, causing the daily average of inmates on EM to increase from 523 in August 2011 to 739 in September of 2011, and then to a high of 1270 in September of 2012. Also, the Sheriff's Office offered classes to the judge's so they could understand how EM works and its reliability. The increased use of EM by bond court judges during this period had an obvious positive impact on DOC crowding and actually prevented the DOC's population from reaching 10,000 inmates during the summer of 2012.

However, around November 14th of 2012, without notice to the Sheriff, bond court judges essentially ceased ordering defendants to EM, causing the EM population to decrease to 832 defendants at present. (Grp. Ex. 1, Central Bond Court I-Bond/EM Orders by Month). In the rare cases when defendants were placed on EM after November 14th, bond court judges began requiring a defendant to first post a monetary bond just to be eligible for release on EM. The number of defendants affected by this practice decreased around February 5th of 2013, but bond court judges then began issuing mittimi that indicated the Sheriff "may consider (the defendant) for CCDOC Alternative Release Programs." (Ex. 2, Redacted Release Order). In some instances these advisory opinions were handwritten on pieces of paper that were then attached to the mittimi. The Sheriff's Office believes such mittimi are advisory opinions and therefore facially

invalid. Regardless, the judges' prior, effective practice of simply ordering defendants onto EM stopped even though there was no change in the controlling statutory law or any known event or circumstance to warrant such change. The practical result has been a significant increase in the average daily population of the DOC.

**THE JUDICIARY HAS THE STATUTORY AUTHORITY TO PLACE PRETRIAL
DETAINEES ON ELECTRONIC MONITORING WITHOUT LIMITATION RELATED
TO THE AMOUNT OF THE BOND**

It is well established that only the Circuit Court judges have the authority to set a pretrial detainee's bail and any other specific terms of release. Although the Circuit Court judges have discretion in setting the amount of bail or conditions thereto, the judges must adhere to certain factors. The applicable Illinois statute states, in pertinent part,

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

725 ILCS 5/110-5(b)(1-3).

Additionally, the Circuit Court judges can set conditions of bond to further ensure that the criminal defendant will appear for court. Specifically,

[t]he court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

(17) *Such other reasonable conditions as the court may impose.*

725 ILCS 5/110-10 (b)(17)(emphasis added).

There is no requirement that a Circuit Court Judge enter a bond requiring the payment of money prior to release on EM.

It is important to note that a similar issue before the Court was addressed by the Illinois Attorney General's Office, (Opinion letter at 1997 Ill. AG LEXIS 6). In that matter a county sheriff asked for guidance as to whether a county sheriff has statutory authority, without consent of court, to commit a county jail inmate to electronic home detention. The Attorney General opined that a county sheriff does not under Illinois statutes possess the unilateral authority to commit an inmate to electronic home detention. The Opinion explains instead that only judges have the authority to place inmates on EM, and they may do so as a condition of any type of bond.¹ The same legal analysis used by the Attorney General, as well as the virtually identical statutory language and case law, applies to the current issue. Indeed, judges in other counties recognize that they have the authority to place defendants on EM without requiring a cash bond.

It is undisputed that determining a criminal defendant's bond is directly under the province of the criminal courts. 725 IL CS 5/110-5. The statute unequivocally states, "in determining the amount of monetary bail or conditions of release, if any...the court shall, on the basis of available information" determine bond. *Id.* Further, electronic home monitoring can be used for pre-trial criminal defendants pursuant to 730 ILCS 5/5-8A-3.

THE SHERIFF IS EXERCISING HIS AUTHORITY UNDER THE RELEASE ORDER

¹ Interestingly, the Circuit Court's own pre-printed Electronic Monitoring Order¹ explicitly states that a criminal defendant may be "placed on Electronic Home Monitoring in lieu of posting bond or in addition to \$_____ D-bond/I-Bond." (Ex. 3, Electronic Home Monitoring Order). Even if the pre-printed form is considered outdated, the judiciary's position that a monetary bond is required, or that responsibility for placing defendants on EM rests with the Sheriff, is belied by the more recent forms proposed by the Presiding Judge's representative and other presiding judges within the last year, none of which indicate that posting money is a pre-requisite to placement on EM.

**ENTERED BY THE THREE JUDGE PANEL, BUT THIS IS IRRELEVANT TO THE
ISSUE AT HAND**

In their attempt to divert attention from the issue at hand, the Office of the Chief Judge constantly attempts to shift to the Sheriff the onus of releasing inmates on EM. The Office of the Chief Judge seems to believe that their authority to use EM under Illinois statutes and the Sheriff's authority to use EM under the Release Order are mutually exclusive. The Office of the Chief Judge also fails to understand that the Sheriff's Office regularly and actively evaluates and sends inmates onto EM under the authority granted by the Release Order.

In fact, The Sheriff's Office screens almost every pre-trial detainee booked into the DOC to determine if their bond amount and current charge(s) qualify them for consideration by the Sheriff's Administrative Release Program (ARP), which oversees the efforts to determine whether pre-trial detainees are eligible for EM under the Release Order. If preliminarily qualified, a pre-trial detainee will have their criminal backgrounds closely reviewed to determine if there is a history of violence or other factor weighing against their release on EM. In over 15 months of operating the ARP, the Sheriff's Office determined that approximately 15,000 inmates met the bonding and charge guidelines for possible release, yet only 1,342 of these inmates passed the criminal background review process as required by PRO. Of these 1,342 inmates, nearly 800 were sent on EM by retired Judges Frossard and Wasilewski.

**THE JUDICIARY HAS THE STATUTORY AUTHORITY TO PLACE PRETRIAL
DETAINEES ON ELECTRONIC MONITORING WITHOUT LIMITATION RELATED
TO THE DETAINEE'S ABILITY TO PAY FOR RELATED FEES**

Although this Court specifically asked the parties to address whether the a monetary bond must be posted before a detainee can be released on EM, the Sheriff also believes that it is important to note that financial hardship of a detainee once he or she is placed on EM is a non-

issue. There is no doubt that a cost is associated with the daily usage of EM by a pretrial detainee. As a result, a detainee may be asked to pay a daily fee for being placed on the EM program. However, the imposition of the daily fee is not a foregone conclusion. Rather, the Circuit Court judges, in their discretion, can reduce the daily fee or waive it altogether.

The Circuit Court can impose any conditions of bail, including EM. 725 ILCS 5/110-10(b)(14). There is a daily fee associated with the use of EM; however, it is not an absolute mandate that the fee is imposed. The applicable statute states, in pertinent part,

The court shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. 725 ILCS 5/110-10(b)(14.1)(emphasis added).

Similarly, subsection 14.2 also states,

The Court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. 725 ILCS 5/110-10(b)(14.2)(emphasis added).

Given the plain language of the controlling statutory authority there is not a requirement that a Circuit Court Judge in Cook County must impose a daily fee on a detainee if he or she is on EM. As discussed, the Circuit Court judges have the authority to place pretrial detainees on EM *without* requiring the detainee to post a monetary bond, as well as to release pre-trial detainees on EM as a condition of a nominal D-bond or C-bond. However, it is clear that the Cook County courts have not been doing the same, to the detriment of certain pre-trial detainees

before their courts, the County, the Sheriff's Office, and the staff and detainees of the DOC.

WHEREFORE the Sheriff of Cook County respectfully requests the following relief be granted:

- 1) That this Court find that the Illinois Statutes vest Cook County Circuit Court judges with the authority to place defendants on EM without requiring a monetary bond ;
- 2) That, in the event the Cook County Circuit Court judiciary continues to sparingly and ineffectively use EM, this Court will require the Cook County Board President and/or the County Board to shift an appropriate percentage of County funds from the Office of the Chief Judge's budget to the budget of the Sheriff's Office or other appropriate County Agency to help defray the costs associated with the increased inmate population; and
- 3) For any other relief that this Court deems necessary and just.

Respectfully submitted,

Thomas Dart, Cook County Sheriff

By: Paul O' Grady
One of his attorneys

Paul O'Grady
Dominick L. Lanzito
Peterson, Johnson & Murray Chicago LLC
233 S. Wacker Drive - Floor 84
Chicago, Illinois 60606
(312) 782-7150
pogrady@pjmlaw.com

EXHIBIT 1

CENTRAL BOND COURT IBONDS/EM ORDERS BY MONTH

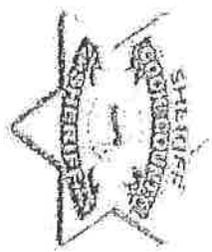
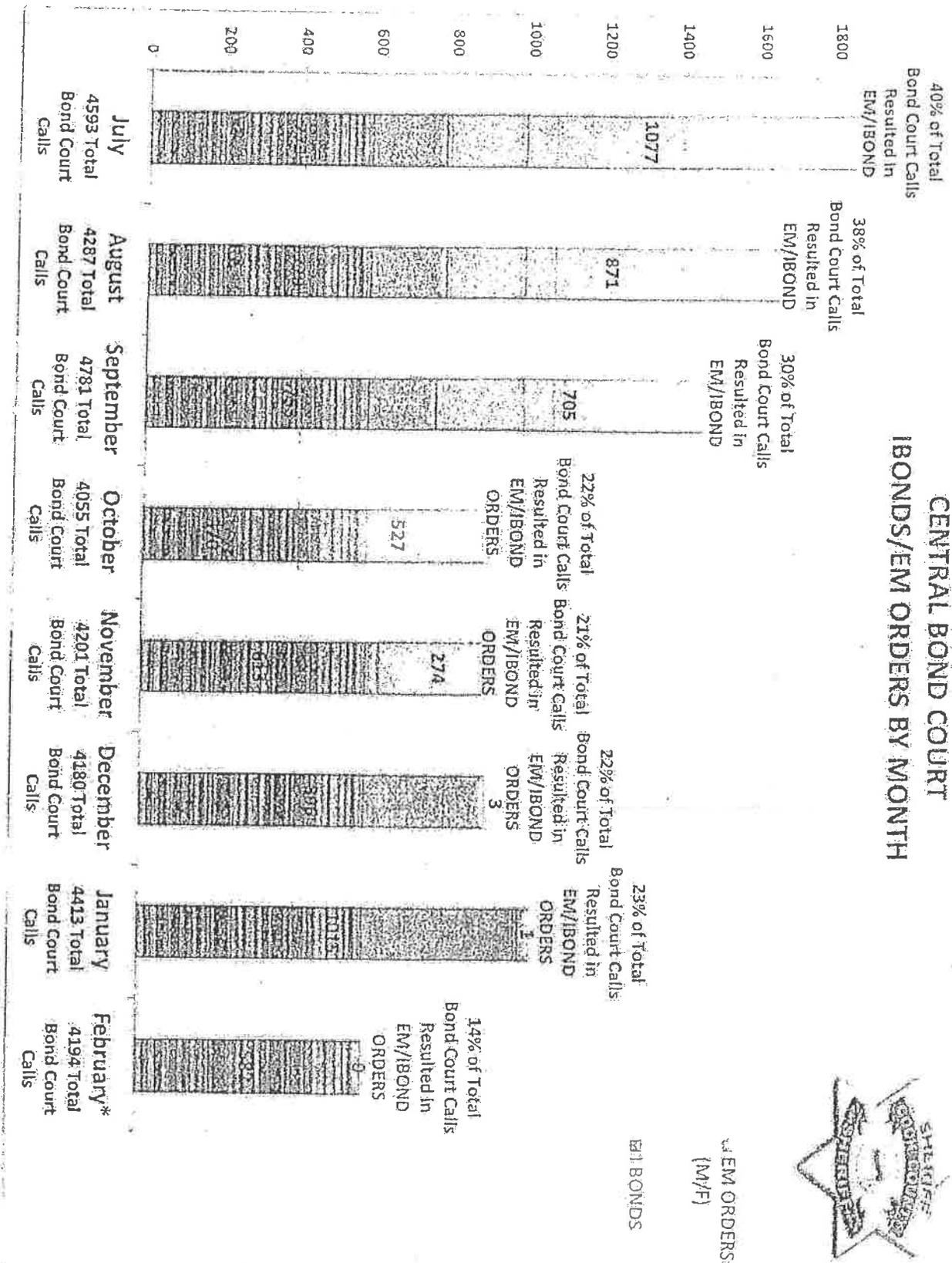


EXHIBIT 2



PRISONER DATA SHEET
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Last Name: [REDACTED] First Name: [REDACTED] Middle Initial: [REDACTED]

Address: [REDACTED]

City/Town: CHICAGO IL

Zip Code: [REDACTED]

Case No. 13110883501 M031

IR: [REDACTED]

Major Charge: 625-5/11-501-A

AGG DUI/NO VALID DL

No. Counts: 005

Bail Previously Set:

\$

Room: BRANCH 2

RM 100

Time: 0900 AM

Branch: 2

Address: 2600 S. CALIFORNIA A

City/Town:

Bail Set: \$ 10,000D

Collect: \$ 1,000

New Court Date: 03/06/2013

Judge:

Waller

Judge's No. 1903

Bail Reduced/Increased: \$

New Court Date:

Judge:

Judge's No.

New Court Date:

Judge:

Judge's No.

Disposition (Remain in Custody): MAY CONSIDER FOR CCDOC ADM RELEASE PRGS

Date:

Judge:

Judge's No.

Disposition (Release from Custody):

Date:

Judge:

Judge's No.

Date: 03/03/13

Deputy Clerk:

RAVEN WALLER

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COPY NUMBER: THREE

DEFENDANT

Submitting a Proposed Substitute Ordinance Amendment to Item 321862 sponsored by
TONI PRECKWINKLE, President and JOHN P. DALEY, EDWIN REYES, ROBERT STEELE,
LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, Cook County Commissioners

PROPOSED SUBSTITUTE ORDINANCE

AMENDING THE COOK COUNTY HUMAN RESOURCES CODE

NOW, THEREFORE, BE IT ORDAINED THAT Chapter 44, Article I, Sec. 44-41 through 44-47 of the Cook County Code, is hereby amended as follows:

Sec. 44-41. - Purpose.

It is the general purpose of this article, and it is necessary in the public interest, to establish a professional and progressive merit-based human resource management system that:

- (1) Attracts, retains and motivates competent County employees;
- (2) Provides the President and other County executives with the necessary flexibility and management control to assure the delivery of quality public service; and
- (3) Establishes fair, equitable procedures for employees and applicants for employment; and
- (4) Prohibits unlawful political contacts, unlawful political discrimination, and the use of political reasons or factors in any employment actions affecting positions unless such positions are legally exempt from such prohibitions.

Sec. 44-42. - Scope.

This article repeals, supplants and supersedes the rules, regulations, directives and policies of the Civil Service Commission of Cook County, the Health and Hospital Governing Commission, and the Department of Personnel and the Position Classification Agency (collectively "former rules"); the March 1987 Human Relations Guide for Supervisors; the December 1995 Progressive Discipline and the Grievance Process: A Guide for Supervisors; the July 1996 Cook County Employee Resource Guide; and, any policies, procedures or handbooks of any department or agency under the direction and control of the Office of the President to the extent they are inconsistent with the provisions of this article and the rules promulgated hereunder. This article and the rules adopted pursuant to this article and the Cook County Employment Plan, including its appendices, approved by Court order on March 19, 2012, as amended from time to time (the "Employment Plan") shall be the sole source of authority governing County human resources management.

Sec. 44-43. - Temporary appointments.

- (a) An employee holding a temporary appointment in a civil service position for one year or more immediately prior to the adoption of this ordinance shall have career service status in that position without

further examination, unless the position is exempted from career service as provided by this ordinance.

(b) Any employee holding a temporary appointment in a civil service position for less than one year immediately prior to April 5, 2000, shall be required to serve a probationary period of one year commencing on the date of the employee's temporary appointment to that position. Upon the successful completion of any such probationary period, said employee shall have career service status in that position without further examination, unless separated as provided by ordinance or rule, or unless the position is otherwise reclassified, reallocated or exempted from career service as provided by this ordinance. Any employee covered under the provisions of a collective bargaining contract will be subject to the probationary period found in that contract rather than the provisions of this article.

Sec. 44-44. - Exemptions.

The provisions of this article and the Human Resources Management System thereby created shall be construed as the law regulating the civil services of the County for all purposes including 70 ILCS 810/17 (Cook County Forest Preserve District Act—application of human resource ordinance) except as exempted in this article. ~~There shall be three categories of exemptions from the provisions of this article.~~

(1) The following positions or employees shall be exempt from the classification authority of the Chief of Human Resources and from the career service provisions of this article.

- a. Elected officials;
- b. Bureau chiefs;
- c. Executive heads of departments;
- d. Employees in positions designated as "Exempt" in the Employment Plan; Shakman Exempt Employees
- ed. Members of boards and commissions.

(2) The following positions or employees shall be exempt only from the career service provisions of this article; these positions shall be subject to the classification authority of the Chief of Human Resources: The positions included in this section are considered to be "at will" positions; employees holding such positions shall serve at the pleasure of the appointing authority unless otherwise provided for by law, contract or the Employment Plan; and all other provisions of this article:

- a. Positions reporting Employees working directly for to members of the County Board and its various committees, unless otherwise designated as Exempt in the Employment Plan;
- b. Employees working in the Office of the President, and employees in the offices of the Bureau Chiefs and the Office of Capital Planning and Policy; Positions designated as an Executive Assistant in the Employment Plan;
- c. Positions assigned to Employees of departments directly or indirectly headed by an elected official other than the President;

d. ~~Employees whose position has been designated as an exempt position pursuant to the Judgment in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69-C-2145 entered on January 7, 1994, in the United States District Court for the Northern District of Illinois, Eastern Division or as otherwise amended and subsequently designated as exempt by court order. Positions designated as "Actively Recruited" in the Employment Plan;~~

e. Employees holding a position labeled in Group One, Group Two or Group Three on the November 9, 2010 Court Order (Docket No. 1938) in the matter of Michael L. Shakman, et al., vs. The Democratic Organization of Cook County, et al., 69 C 2145;

f. Positions designated as "Public Defender Direct Appointments" in the Employment Plan;

g. Additional positions that are newly created may be exempted from the career service prior to job posting or recruitment where: pursuant to the rules of the Bureau of Human Resources upon recommendation of a department head and after comment and recommendation by the Chief of Human Resources and the approval of the President and the Cook County Compliance Officer. These additional exemptions must be based on the need for flexibility in appointment to positions which are:-

1. The position is necessary in order to maintain confidentiality; or

2. The positions is administratively necessary in order to effect a program including, but not limited to, such programs as internships, student work experience programs, trainee programs, Federal public service employment programs, and any other programs, which, because of the program requirements, cannot be subject to career service requirements.

h. Positions designated as "Statutory Appointments" in the Employment Plan.

~~All employees exempted in the above category are considered to be "at will" employees and shall serve at the pleasure of the appointing authority unless otherwise provided for by law or contract.—~~

(3) Physicians and dentists employed by the County to work within for the Cook County Health and Hospitals System ("CCHHS") Cook County Bureau of Health Services shall be exempt from career service and shall be governed by the provisions of Section 44-52, Chapter 38, Article V, et al. and the CCHHS Employment Plan; all other CCHHS employees employed at CCHHS shall be under the direction and control of CCHHS as indicated in Chapter 38, Article V, et al and the CCHHS Employment Plan.

(4) Employees of the County under the direction and control of the assigned to work within the Office of the Cook County Independent Inspector General ("OIIG") shall be under the control and direction of the OIIG as provided in the Employment Plan for the Office of the Independent Inspector General and the OIIG enabling ordinance.

Unless exempted under this section or the Cook County Employment Plan, all other employees under the direction and control of the Office of the President shall be covered under the career service provisions provided for in this article unless otherwise addressed in a collective bargaining agreement.

Sec. 44-45. - Bureau of Human Resources.

(a) *Established; Chief of Human Resources to be Chief Executive Officer of Bureau of Human Resources.* There is hereby established a bureau which shall be known as the Bureau of Human Resources. The Chief of Human Resources shall be the chief executive officer of the Bureau of Human Resources and shall be appointed by the President and shall serve at the pleasure of the President. The Chief of Human Resources shall be responsible for the general management and control of the Bureau of Human Resources in a manner consistent with the ordinances of the County, the laws of the state, and the rules of the Bureau.

(b) *Powers and duties of Chief of Human Resources.* The Chief of Human Resources shall have the power and duty to:

(1) Encourage and exercise leadership in the development of effective human resources management within the several departments in the County service, and to make available the facilities of the Bureau of Human Resources to this end;

(2) Advise department heads, including elected officials, and the budget director as to the correct classification of a position before it is included in the budget and before an appointment is made. No appointment shall be approved without the prior approval of the Chief of Human Resources as to the classification of the position;

(3) Foster and develop:

a. Programs for the administration of human resource functions including position classification, salary administration, employee benefits, collective bargaining, labor management relations, employee communications, safety and health for the employees in all County departments including departments headed by elected officials; and

b. Programs for a professional and progressive merit based system for human resources management (hereafter "career service"). Career service shall include programs for recruitment, selection, discipline, grievance, promotion, affirmative action, performance management, probationary periods and training.

(4) Establish and maintain records of all employees in the County service, in which there shall be set forth as to each employee the class title, pay and status, and other relevant data;

(5) Certify that persons named on every payroll have been appointed and employed in accordance with the current budget; in addition, for employees under the direction and control of the President certify that persons named on payrolls have been appointed and employed in accordance with the provisions of this article and the rules adopted under this article. No disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personnel service to those persons holding a position in the County service unless said payroll voucher or account of such

pay bears the certification of the Chief of Human Resources or authorized agent;

(6) Apply and carry out this article and the rules thereunder and to perform any other lawful acts which may be necessary or desirable to carry out the purpose and provisions of this article, including but not limited to, carrying out the provisions of the Cook County Employment Plan.

(7) Revise the Cook County Personnel Rules and various employment related policies as may be required from time to time; notice of revisions to the Personnel Rules or employment related policies shall be communicated to affected employees in writing by email or personal delivery.

(87) Delegate responsibility where necessary to a department head or departmental designee subject to audit and approval by the Chief of Human Resources.

(98) The prevailing rate of wages and prevailing working conditions for Covered Services shall be determined by the Chief of the Bureau of Human Resources. For purposes of this section, the term "prevailing rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character. Whenever a collective bargaining agreement is in effect between the Building Owners and Managers Association of Chicago and employees who are represented by a responsible labor organization, such agreement and its provisions shall be considered as conditions prevalent in that locality by the Chief of the Bureau of Human Resources.

(109) The Bureau of Human Resources shall post on the County website or keep available for inspection the current prevailing rates of wages.

Sec. 44-46. - Reciprocal agreements with other agencies.

The Chief of Human Resources is authorized and empowered to enter into reciprocal agreements, upon such terms as may be agreed upon, for the use of equipment, materials, facilities, and services with any public agency or body for purposes deemed of benefit to the County service. The Chief of Human Resources may cooperate with other governmental agencies in conducting personnel tests, classification of positions, recruiting personnel and training personnel.

Sec. 44-47. - Human resource rules and Employment Plan.

The Chief of Human Resources shall issue rules and policies to implement the provisions of this article and the Cook County Employment Plan. The Chief of Human Resources shall provide notice of any revisions to the Cook County Employment Plan on the County's web-site at <http://www.cookcountyil.gov> and notice of any revisions to the Personnel Rules or employment related policies on the County's intra-net site at <http://ccnet.ccounty.com> or directly to employees. Nothing contained herein shall prohibit the Chief of Human Resources from giving other appropriate notice. ~~Prior to the effective date of such rules, the Chief of Human Resources shall give public notice in one or more newspapers of general circulation, and in no case shall such publication be less than ten days before the effective date of the proposed rule or amendment to the rule. Such public notice shall include information concerning where the rules can be reviewed and where comments may be directed. Nothing contained herein shall prohibit the Chief of Human Resources from giving other appropriate public notice.~~ The rules and/or Employment

Plan shall include, but not be limited to providing for provide for:

(1) *Preparation, etc., of position classification plan.* The preparation, maintenance and revision of a position classification plan for all positions, except those exempted in Section 44-44 based upon similarity of duties performed and responsibility assigned, so that the same qualifications may reasonably be required for and the same schedule of pay may be applied equitably to all positions in the same class;

(2) *Submission of pay plan.* The annual submission of a pay plan to the President;

(3) *Selection of persons ~~for career service and at-will positions for career service.~~* The recruitment and selection of persons in the career service shall be based on the basis of their in accordance with the terms of the Cook County Employment Plan; on qualifications. ~~Whenever it is appropriate in the judgment of the Chief of Human Resources a fair and open lottery procedure may be applied to develop the order of candidates to be considered for selection. Other selection procedures including, but not limited to interviews, performance tests, or medical examinations may be applied after the use of a lottery;~~

(4) *Establishment of lists of eligible candidates for employment or for promotion in career service.* The establishment of lists of eligible candidates for appointment or and promotion in career service shall be created in accordance with the terms provided in the Employment Plan; upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations, where such examinations are administered. ~~For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of service connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination. The Chief of Human Resources may substitute categorical rankings such as excellent, well qualified and qualified for numerical rating and establish eligible lists accordingly. Such rules may provide for lists by area or location, by department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, for the addition of names of successful candidates to list and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the Chief of Human Resources;~~

(5) *Certification of applicants.* The certification of applicants shall be in accordance with the terms of the Cook County Employment Plan; to an appointing authority of the names of a minimum of seven persons, or all applicants if less than seven apply, with the highest numerical ratings available

on the appropriate eligible list to fill each vacancy, or from the highest ranking group if the list is by categorical rankings instead of numerical ratings;

(6) Employment, Appointments and Promotions. The Chief of the Bureau of Human Resources shall adhere to the provisions of the Cook County Employment Plan and establish rules and supplemental policies as may be required to assure compliance with all provisions of the Employment Plan. Employment, Appointment and Promotions rules and policies which shall give appropriate considerations to the applicant's qualifications, record of performance and ability, Appointment and promotional rules shall include a provision to grant qualified eligible veterans interviewed for a position or promotion a Veterans' Preference. A Veteran's Preference shall be afforded to eligible candidates for appointment or promotion in career service positions who can confirm in writing that he or she has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service and were not dishonorably discharged; such eligible and qualified veteran candidates for employment or promotion shall be afforded a preference for an interview and not be subject to any computer-based randomization function. Eligible veteran candidates who have been deemed qualified per the interview process shall be afforded an additional two tenths of a point to the combined overall average interviewer evaluation score of 3 or above for eligible if the eligible veteran candidates can provide proof of a service connected disability from the United States Veterans Administration or is a recipient of a purple heart decoration. Applicants seeking the Veterans' Preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources at the time they submit their application for employment;

~~For all positions requiring open, competitive written examinations, qualified eligible veterans shall be entitled to receive five points added to any final adjusted passing score provided that the veteran has served in the United States Armed Forces on active duty for a period of not less than six months of continuous service, was not dishonorably discharged, and provides documentation confirming status as an eligible veteran. Five additional points shall be added to a passing score for veterans holding proof of service connected disability from the United States Veterans Administration or recipients of a purple heart decoration. Those seeking veterans' preference under this section must submit documentation confirming their eligibility to the Bureau of Human Resources within five working days of the examination. The Chief of Human Resources may substitute categorical rankings such as excellent, well qualified and qualified for numerical rating and establish eligible lists accordingly. Such rules may provide for lists by area or location, by department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, for the addition of names of successful candidates to list and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the Chief of Human Resources;~~

(7) *Probationary period after original appointment.* Probationary periods after original appointment will not to exceed one year. An employee not otherwise classified as at-will who

completes a probationary period shall have the status of a career service employee unless otherwise indicated this Article, a collective bargaining act or the Cook County Employment Plan;

(8) *Probationary period after promotion.* Probationary periods after promotional appointment will not to exceed one year. The rules may also provide for the restoring of an employee's career service status to the class from which a promotion was made when an employee does not successfully complete a promotional probationary period or when an employee requests a return to the next lower rank demotion to his or her former position with the approval of the department head and the Chief of the Bureau of Human Resources within the probationary period;

(9) *Emergency employment.* Emergency employment for not more than 12060 days in accordance with the provisions of the provided in the Cook County Employment Plan with the consent of the Chief of Human Resources and for provisional employment when there is no appropriate eligible list available;

(10) *Performance records.* Keeping records of performance of employees in the career service, which performance records shall be considered in determining salary increments or increases for meritorious services; as a factor in promotions; as a factor in reinstatements; and as a factor in discharges and transfers. Appropriate performance records will be maintained for other employees;

(11) *Layoffs.* Layoffs in the career service, by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for reemployment of employees so laid off will be done in accordance with the Employment Plan and the Cook County Personnel Rules;

(12) *Grievance/Compliant procedure.* Implementation and administration of the grievance procedure provided by this article, the Cook County Employment Plan and in accordance with the Cook County Personnel Rules;

(13) *Disciplinary measures.* The establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge where employees are subject to a collective bargaining agreement and that agreement establishes disciplinary or grievances procedures, those procedures control. For all other career service employees, such disciplinary measures shall provide for a statement of the charges on which discipline is based, together with an explanation of the evidence supporting the charges and an opportunity for the employee to respond to the charges in writing before action is taken, appeals after such disciplinary action, and a hearing on the charges upon request of the employee in case of discharge, demotion or suspension exceeding ten work days, and review of suspensions not exceeding ten work days, consistent with the requirements of due process of law. The charges and explanation of evidence need not be in any particular form, but must be sufficient to apprise the employee of the matters on which discipline may be based. The employee's response must be reviewed by the department head or designee responsible for making the decision, provided that such designee may be the person who initiated the charges against the employee. No career service employee may be discharged, demoted or suspended for more than ten work days unless the statement of charges and any matters in support are first reviewed by the Chief of Human Resources, before the employee is notified of such action, evidence of discipline hearings initiated and outcome of a suspension or termination shall be provided to the Chief of Human Resources;

(14) *Programs to improve work effectiveness.* Development and operations of programs to improve

work effectiveness, including training, education, safety, health, welfare, counseling, recreation and employee relations.

(15) *Rules and regulations.* For such other policies and administrative regulations, not inconsistent with this law or as may be required under the Cook County Employment Plan and Personnel Rules, as may be proper and necessary for its enforcement.

Effective Date: Immediately upon passage.

NOW, THEREFORE, BE IT FURTHER ORDAINED THAT Chapter 44, Article I, Sec. 44-52 of the Cook County Code, is hereby amended as follows:

Sec. 44-52. - Selection and discipline of physicians and dentists.

Notwithstanding any other provisions of this article, the Cook County Health and Hospitals System ~~Chief of the Bureau of Health Services~~ shall establish the procedures for the recruitment, selection, discipline, grievance, affirmative action, performance management, probationary periods, training and promotion of physicians and dentists employed by the County to work within the Cook County Health and Hospitals System in accordance with Chapter 38, Article V, et al., and the CCHHS Employment Plan in a manner consistent with applicable law and the requirements of applicable accrediting organizations. No physician or dentist shall be entitled to proceed under this article to grieve a corrective action taken against medical staff membership or clinical privileges pursuant to the applicable CCHHS Medical Staff Bylaws.

Effective Date: Immediately upon passage.

IVAN SAMSTEIN

2020 N Lincoln Park West, Apt 19F • Chicago, IL 60614
Cellular telephone: (917) 749 - 7260 • E-mail: ivan.samstein@yahoo.com

SUMMARY

Municipal finance professional and decorated Afghanistan veteran. Demonstrated track record of exceeding organizational objectives by building relationships with internal and external constituencies coupled with significant experience in municipal finance.

PROFESSIONAL EXPERIENCE

Cook County Government

Chicago, IL

2012- Present

Deputy Chief Financial Officer, Bureau of Finance

- Intimately involved with each of the six departments under the Bureau of Finance
- Renegotiated roughly \$500 million of bank agreements, providing annual savings of over \$1 million to the County at significantly more favorable terms to the County versus predecessor agreements
- Revamped the County's Investor Relations efforts and webpage; successfully issued over \$600 million of long-term bonds; netted over \$74 million in net present value savings during 2013
- Worked to design a new AAA rated sales tax revenue bond structure for the County
- Worked closely with the Budget department on numerous strategic initiatives to balance the 2013 budget
- Lead a collaborative effort between Human Resources and Risk Management to implement strategies for HMO migration and maintenance prescriptions that netted over \$7.5 million in cost savings
- Worked to identify and isolate the challenges associated with the County's procurement operation and devise a strategic transition plan for responsive procurement reform during 2013

Bank of America Merrill Lynch (Successor to LaSalle Bank via acquisition)

New York, NY and Chicago, IL

2004 –2011

Director, Public Finance Department

- Investment banker charged with providing strategic capital markets solutions for a wide range of Midwestern US States, Counties and Cities as well as tax exempt real estate-secured projects
- Advised municipal and state clients on the implications of debt management choices on their budgetary practices; conducted analysis of client budgets to provide appropriate recommendations
- Developed financial models to assist clients in revenue projection and asset-liability management
- Spear-headed predecessor firm LaSalle Bank's re-entrance into the tax exempt real estate-secured market; lead a team that elevated firm to the #1 ranked position in the Midwest in this niche market during 2007
- Sole officer of the LaSalle Bank municipal bond department retained by Bank of America during merger

Moody's Investors Service

Chicago, IL and New York, NY

1999-2004

Assistant Vice President, Public Finance Department

- Lead credit analyst for local government debt issuance in the states of Illinois, Wisconsin and Missouri
- Responsible for maintaining credit ratings on many of the largest municipal borrowers in the Midwest including the State of Wisconsin, Cook County, Cuyahoga County and St. Louis County amongst others
- Evaluated the fiscal management, debt management, budgetary procedures and risk management policies of municipalities across the Midwest; member of firm's national public finance rating committee
- Featured speaker at numerous regional Government Finance Officers Association conferences on a breadth of topics regarding best practices in Governmental finance
- Developed and worked to commercialize a multivariate model to estimate municipal bond ratings
- Identified technological process deficiencies with existing data collection methods and served as a liaison between technology support and departmental management to provide solutions and improvements



College of DuPage

Thomas J. Glaser
Senior Vice President
Administration and Treasurer

425 Fawell Blvd.
Glen Ellyn, Illinois 60137-6599

(630) 942-2218 phone
(630) 858-9078 fax
glasert@cod.edu
cod.edu

March 18, 2013

Honorable Toni Preckwinkle
President
Cook County Board of Commissioners
118 N. Clark Street, Room 500
Chicago, Illinois 60602

Dear President Preckwinkle:

I am writing in support of your nomination of Ivan Samstein to serve as Chief Financial Officer for Cook County, Illinois. I have known Ivan for more than ten (10) years, and in that time have found him to be a very capable and talented public finance professional.

I first met Ivan when he was a bond rating analyst for Moody's Investor Service, and the principal analyst responsible for rating Cook County's bonds when I served as the County's Chief Financial Officer. Ivan later transitioned to investment banking for LaSalle Bank, and, I believe his first transaction as a municipal investment banker was the \$100 million Cook County Forest Preserve District bond offering in 2004. Ivan and I worked closely together on that transaction and he provided critical advice that helped in obtaining bond rating upgrades from all three major rating agencies for the District. I have also served on several panels with Ivan at Government Finance Officers Association (GFOA) professional development seminars, including a panel on the bond rating process for a combined session of the Wisconsin and Illinois Government Finance Officers Associations.

At a time when the rating agencies are looking for formal plans and additional disclosures to address the County's structural deficit and unfunded pension liability, he would be an asset to serve in the CFO position as the rating agencies are an important constituency for the County to consider and manage. As a recognized expert in the bond rating process, there are few people who would be in a better position to represent the County to the rating agencies and the capital markets. I am pleased to express my support for Ivan Samstein to serve as Cook County's next Chief Financial Officer.

Best wishes for continued success at Cook County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Glaser'.

Senior Vice President
Administration and Treasurer

Remarks to the Legislative Committee of the Cook County Board - Tuesday March 19, 2013

Cook County Board President, Tony Preckinkle, Chairman Larry Sufferedin and distinguished members of the Cook County Board of Commissioners, good morning.

I am honored to be here this morning to speak on behalf of my appointment as the chief operating officer of the Cook County Department of Public health. I am here to ask for your support and to briefly discuss my qualifications and background related to this position.

With the exception of my first few months of life, I have been a Cook County resident. My education from grammar school through medical school and my urology residency were all completed in Cook County. I have served the residents of Cook County throughout my entire career in clinical and private practice and as

a faculty member at University of Illinois at Chicago College of Medicine and School of Public Health.

Over the last 30 years of being a public servant, I have always worked directly with the general public, through newsprint, television face-to-face meetings and on my radio program of 20 years.

I am no stranger to dealing with the potentially difficult and sensitive public health issues. During my tenure at the Chicago Dept. of Public Health I managed responses to emergencies such as:

- the Salmonella outbreak at the Taste of Chicago
- the Westside meningitis outbreak
- heat related power outages resulting in evacuating residents and providing temporary residence at McCormick Place
- managing the response to the 2009 H1N1 influenza pandemic
- multiple exercises with Bioterrorism response including evacuation drills of the Central business district of downtown Chicago.

The focus of public health has changed since the turn of the 20th century. Then, the major threats to public health were infectious diseases such as tuberculosis, pneumonia, viral infections, polio, and diseases of sanitation and more recently in the past decade, bioterrorism.

Today the major threats to the health of the public are those labeled as chronic disease: cardiovascular disease, diabetes, obesity, stroke, and cancer. The data is clear that the origins of many of these conditions are directly related to tobacco use poor diet, and lack of exercise.

Dr. Ragu publicly stated on several occasions that going forward we should begin to view a patient who presents in our emergency room with a complication from one of these chronic diseases as a public health failure. Most of these conditions are preventable.

To continue the work of the Cook County Department of Public Health in moving forward to address more issues related to chronic disease, I will rely on my

strengths as a collaborator and an innovator. New potential areas for collaborations would be ideal current partners.

One such example of past collaboration was the transfer of all birth and death registrations from the City to Cook County. This work was done with the assistance of the former director of the Illinois Department of Public Health, my predecessor from the Cook County Department of Public Health, the county clerk's office, and me, then Commissioner of the Department of Public health of the city of Chicago.

This same framework would be employed to better leverage the resources of the Cook County Department of Public health and the other state certified public health departments of Evanston, Oak Park, Skokie and Stickney Township. Meetings with the leadership of the 130 municipalities represented in suburban Cook County to deal with the 21st century threats to public health and other concerns will be a priority as we move forward.

My vision is for a strong and, a healthy Cook County that turns its focus and energy toward prevention of the current major threats to health for its residents. We will look at how we leverage technology, we will leverage the skills garnered by home health nursing to continue to make homes even healthier.

We can re-tool our lessons learned from lead prevention and public health nursing. To be successful in making the home a healthy home would decrease costs for our inpatient and outpatient system.

The Affordable Care Act will encourage a change in how, where, and at what cost care is provided. We must create the appropriate relationships, and become aggressively innovative in working with other partners such as our educational institutions at all levels, to define the workforce needs for the 21st century and beyond.

I am excited about this opportunity. I bring a unique perspective to this position as I have served as System Chief Medical Officer and the Interim Chief Executive

Officer for the Health System and Commissioner of the Chicago Department of Health.

Again, I respectfully ask for your support and With your support, the challenges of this new era though **daunting are not impossible, the resources though limited with appropriate collaboration will be adequate and we will encourage unbridled innovation with all levels of staff and will make the Cook County Department of Public Health a model for the rest of the Country.**

Thank you and I would be happy to answer any questions.

Terry Mason MD, FACS

1900 West Polk Street, Suite 123, Chicago Illinois, 60612
312-864-0912 e-mail - temason@cookcountyhhs.org

Objective

To provide visionary leadership, fiscally responsibility, performance based accountability in management, and restoration of the public trust. To transform healthcare delivery with the integration Public Health and Public Medicine to create a population based strategy to manage chronic disease. Position the Health and Hospital System for an Accountable Care Organization or geographic cost containment strategy. Develop innovative delivery systems including the use of Mid Level providers and continue the commitment to Medical Education.

Experience

Chief Medical Officer - Cook County Health and Hospital System

December 9, 2009 - Present

- Lead the Price Waterhouse Coopers Physician Effort and Funding work stream for the evaluation of physician effort, research, affiliation, teaching, Centers of Excellence, with 2 million dollar opportunity identified
- Established leadership for the System wide Quality effort and successful Joint Commission Accreditation of the Ambulatory Care Network
- Provided executive leadership for Union negotiations with SEIU
- Guided the effort to complete a set of System wide By-laws
- Established a new 1 year residency specialty training program for midlevel Providers - Physician Assistants
- Lead the redesign effort of the Orthopedic Clinic (30,000) visits
- Created system wide quality dashboards
- Suspended the Ob-Unit at Provident Hospital
- Initiated an effort to introduce biometrics to the patient identification process to reduce duplication of medical records
- Fellow - National Association of Public Hospitals
- Established the Quarterly Leadership Academy for Physician leaders with a 3 year Curriculum
- Named the Interim Chief Executive Officer for Cook County Health and Hospital system 4-2011

Commissioner - Chicago Department of Public Health

January 2006 - December 2009

- Created a credible public presence for the Department of Public Health internally and externally.
- Lead the implementation of Cerner Electronic Medical Record in 19 clinics. 7 Community Health Federally Qualified Health Centers and 12 Outpatient Mental Health Centers.
- Coordinated the transfer of the City Vital Records Department (birth and death registrations) to the Office of the Cook County Clerk
- Managed the H1N1 outbreak in 2009, immunizing over 90 thousand people in a partnership with City Colleges using Department of Public Health staff without overtime

- Performed over 50 live television press conferences for topics including but not limited to the HINI outbreak, the first major food borne illness outbreak at the Taste of Chicago, the meningitis outbreak on the Westside of Chicago, power outage and relocation of Southside residents in the summer of 2006, the consolidation of the Mental Health Clinics and the West-Nile Virus spraying campaign.
- Created multi-stakeholder partnerships and leveraged city assets for the treatment of exclusively uninsured patients with Community Health leveraging underutilized space in a city asset
- Assessed mental health, FQHC and hospital needs leading to the publishing "Putting the Health Care Puzzle Together"
- Engaged over 900 employees in the re-design of the health department via system wide current state and future state process mapping. Automated motor pool management, budget and conference management and decreasing the unspent grant dollars over 10 million dollars.
- Implemented the outsourcing of IT and datacenters.
- Converted the Information technology spend from capital purchase to a lease program eliminating future obsolescence
- Increased the Family Case Management reimbursement by over 2.4 million dollars annually

UroPartners - Prairie Medical Association/Comprehensive Urology-Practicing Urologist

1986-2006

- Developed and maintained a successful group Urological practice
- Innovated treatments for Erectile Dysfunction
- Initiated the use of Brachytherapy for the outpatient treatment of Prostate Cancer in a urologic Practice in Chicago in over 400 patients
- Provided leadership at National Level as Chair of the National Medical Association Urology Section and Local Level as a member of the Executive Committee of the Chicago Urological Society
- Designed the concept, and completely leased the 24,000 square foot facility for the Mercy Medical in Chatham
- Founded the Thapelo Institute dedicated to addressing the racial health disparities specifically in African American Men

Radio Host, "Doctor in the House", 1690am - 1993 - Present - Live radio health talk show

- Provide health education to an audience of approximately 100,000
- Developed a public trust

Education

Loyola University - BS - Biology	1974
Abraham Lincoln School of Medicine, University of Illinois Chicago - MD	1978
General Surgery - University Of Illinois Metro Group Hospitals	1980
Urology Residency - Michael Reese Hospital	1983
American Board of Medical Examiners	1980
American Board of Urology Certification	1985

Related Work Professional Associations and Affiliations

Assistant Professor of Surgery - University Of Illinois - Abraham Lincoln School of Medicine
Associate Professor - University of Illinois - School of Public Health
Medical Director - Mercy Hospital Management Services Organization
President Medical Staff - Mercy Hospital and Medical Center
Chairman of the Department of Urology - Michael Reese Hospital and Medical Center
Chair Section of Urology - Mercy Hospital and Medical Center
Regional Chairperson - National Black Leadership Cancer Center Control Network
Chairman Health Information Management Committee - Mercy Hospital and Medical Center
President (4 term) Cook County Physicians Association
Chairperson - Governmental Affairs Council - Illinois State Medical Association
Fellow - Institute of Medicine Chicago
Fellow - American College of Surgeons

Awards

Telly Award - For the Video entitled 'Not By Myself', featuring Marylyn Macoo and Billy Davis Jr.
Physician of the Year Award - National Medical Association 1999
Chicago Champions of Health Award - National Medical Fellowships
City of Louisville, Kentucky - Helping Hand Award and Keys to the City
Over 75 Awards, Community and Organizational Honors

References, Publications, and Presentations available upon request.



THE UNIVERSITY OF
CHICAGO MEDICINE

Urban Health Initiative

Eric E. Whitaker, M.D., M.P.H.
Executive Vice President for Strategic Affiliations and
Associate Dean for Community-Based Research
5841 S. Maryland Avenue, MC1112, Room A112
Chicago, Illinois 60637
(773) 702-6070
(773) 702-1213 Fax
Email: eric.whitaker@uchospitals.edu

Toni Preckwinkle
President
Cook County Board
69 W. Washington
Chicago, IL 60611

March 13, 2013

Dear President Preckwinkle:

I am writing this letter in strong support of Dr. Terry Mason's appointment to the role of Chief Operating Officer of the Cook County Department of Public Health. Terry has been a friend and mentor of mine for over two decades. We had the opportunity to work closely together for 3 plus years when I was the Illinois State Public Health Director and Terry was the Commissioner of Health for the City of Chicago. There had been many years of dysfunction and distrust between the public health department at the state and the city that led to wasted resources through duplication of efforts and poorer outcomes for Illinois residents. Working with Terry, we were able to streamline operations at both our departments, save money and have a greater impact for the state's public health. These areas of focus included chronic disease, bioterrorism, and basic data sharing. During this period of time we also worked with the COO of the CCDPH, sharing knowledge and resources for the betterment of us all.

My collaboration with Terry continued as we both changed jobs, me going to the University of Chicago and he to the Cook County Health and Hospital System. We were unsuccessful in my desire to enlarge the role of the University of Chicago Medical Center with Provident Hospital. We did, however, expand services between the South Side Health Collaborative, a grouping of southside federally qualified health centers, with the broader Cook County health center.. Terry always has the community at the forefront of his thoughts and makes certain that both public and private entities with which he works is held accountable. Importantly, he also through his bully platform has made community individuals aware of each person's role in maintaining one's own health; No one escapes accountability!





THE UNIVERSITY OF
CHICAGO MEDICINE

Urban Health Initiative

In closing, I believe that our health care system is ripe for innovation that will take us from a sick care system to a health system. Terry has always been at the vanguard of this transition. He is uniquely qualified to think about how to work with the Cook County Health care system as the County's public health lead and leverage population-based thinking into the planning and implementation of Obamacare at scale. There will be great distrust as we transition our health system. Terry is among the most trusted voices re: health in our community. I write this letter with strong conviction that Terry's continued service as COO of CCDPH would be a boon for our county's health. Please call me with any questions or concerns.

Sincerely,

Eric E. Whitaker M.D.

Eric E. Whitaker, MD, MPH



Good Morning Chairman and members of the Committee,

I would like to start by thanking President Preckwinkle for providing me with the opportunity to be considered for Cook County's Chief Financial Officer. I truly appreciate the vote of confidence she has given me, and I appreciate the gravity and importance of this role for the County. If confirmed, I will inherit an organization that benefited from the efforts of Tariq Malhance during the last two years and is comprised of a tremendous team of professionals who I have had the pleasure of working with over the past year. I want to thank each of the department heads for their efforts, and if confirmed I look forward to continuing to work to support our collective success. And of course I want to thank my wife, who is here today, who puts up with my long hours and ceaseless attachment to my County blackberry.

I would like to take this moment to provide you with a brief overview of my background.

I began my career as a bond rating analyst at Moody's Investors Service, where I was responsible for issuing credit ratings for many of the largest governments across the Midwest, including Cook County. I transitioned from credit ratings to investment banking, moving to LaSalle Bank, where my first bond transaction was actually a 2004 bond offering for the Cook County Forest Preserve District. During the execution of that transaction we successfully garnered rating upgrades for the District from all three bond rating agencies. Following Bank of America's acquisition of LaSalle Bank I continued to work in municipal investment banking, with a brief hiatus for military leave during a deployment to Afghanistan with the Illinois Army National Guard. When I returned home from Afghanistan it became increasingly clear to me that I wanted to work in public policy. I was drawn to President Preckwinkle's strong focus on fiscal responsibility and transparency, and I was excited at the opportunity to join the County as Deputy Chief Financial Officer over a year ago.

My experience during the last year has helped cement what I believe will be critical priorities as I work to support the efforts of the department heads across the bureau of finance and focus on the County's long term fiscal challenges. Specifically, I view my primary initial priorities as:

322219

- The implementation of an upgraded ERP system functionality to use technology to support our financial operations
- Supporting the continued efforts of Shannon Andrews and Jackie Gomez with regards to procurement and contract compliance reform
- A constant focus on the long term fiscal prospects for the County
- Continuing the effort to make Cook County's Bureau of Finance rival the financial management of any government in the nation. Our goal is a best in class public finance operation that attracts and retains the best people who are proud to be members of the Cook County Bureau of Finance.

The President and her Chief of Staff, GA Finch, have asked that we continue taking every possible step to reduce the cost of government and limit the impact of the economic downturn on taxpayers by looking at every option for improving our fiscal management. President Preckwinkle has placed a priority on fiscal responsibility and transparency. I intend to continue these efforts in coming years in order to improve the long-term financial outlook of Cook County Government.

I look forward to working closely with the County Board of Commissioners, the elected offices and other County leaders, as well as Cook County residents to address the County's financial issues. I look forward to meeting with all of you to get your input on how to improve the County's financial processes as we continue to move the organization forward.

Thank you for your time and your consideration.



MERCY HOSPITAL & MEDICAL CENTER
2525 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60616-2477
phone 312.567.2000

March 15, 2013

Toni Preckwinkle, President
Cook County Board
118 N. Clark, Room 537
Chicago, IL 60602

Dear President Preckwinkle:

I am writing this letter on behalf of Dr. Terry Mason who is very interested and, I believe, capable to be the COO of Public Health for the County of Cook. Dr. Mason was Chief of Urology at Mercy Hospital and Medical Center and due to his broad interest in better health for all our people he replaced me at Chicago Department of Public Health. Eventually he became Medical Director of Cook County Health & Hospital System.

Dr. Mason is a superior speaker and most prolific in speaking to audiences throughout the County. His medical background is a plus but more than that he knows how important good health is and in most instances how to convince others of their need to improve their health.

I have no doubt that Dr. Mason will not only present the content to spread the real meaning of better health, but will be right there himself to further encourage especially our people who need both enlightenment and regular group visits to keep up the necessary habit of eating what is healthy over and over and over.

Terry can make that happen and in time see comprehensive health care in our homes and in our restaurants. Additionally I would expect Dr. Mason would include rules and rights that will make for a safe neighborhood in our homes, in our parks; in our health care classes and places where all our people can work, play and live in peace.

Sincerely,


Sister Sheila Lyne, RSM
President and CEO



Pat Quinn Governor
LaMar Hasbrouck, MD, MPH, Director

4212 West St. Charles Road • Bellwood, Illinois 60104-1146 • www.idph.state.il.us

March 14, 2013

The Honorable Toni Preckwinkle
President, Cook County Board
118 N. Clark Street, Room 537
Chicago, IL 60602

Dear President Preckwinkle:

I am writing this letter of reference on behalf of my colleague and friend for more than 25 years, Dr. Terry Mason. During our long standing relationship, I have had the opportunity to work with Dr. Mason on a number of projects as well as in various capacities. In all our work I have him to be consistently honest, forthright, and articulate. He is well respected by his friends and colleagues who know him as an individual of high integrity and character.

Dr. Mason is a capable leader with a clear sense of vision and purpose and a profound concern for the health and well being of all peoples. While his health care career started in private practice medicine, over the years he has developed a keen understanding of the role of prevention as opposed to the curative aspects of the traditional medical model. This along with a population-level, rather than individual-level focus on health issues are the cornerstones of public health.

Dr. Mason has consistently demonstrated a unique ability to lead and motivate others. He has been a steadfast champion for the poor and underserved. He has worked tirelessly on their behalf to improve their health status not only as a health care provider, but also as an advocate, innovator and champion. His work and efforts as the Midwest Regional Chair of the National Black Initiative on Cancer and founder of the largest African American Chapter of the Us TOO International Prostate Cancer Education & Support Network provide clear demonstrations of his ability to lead, motivate and organize others.

As Commissioner of Health for the City of Chicago Department of Public Health, Dr. Mason demonstrated exceptional leadership, vision and a commitment to quality of service. While there he displayed a keen understanding and working knowledge of the 10 Essential Services of Public Health and employed them as the guiding framework for the responsibilities which a local public health system should undertake and follow. His 5 years of experience in this capacity coupled with more than a quarter century of experience in private practice medicine make him a unique and highly qualified candidate for the position of Chief Operating Officer of the Cook County Department of Public Health.

Respectfully,

Joseph M. Harrington
Regional Health Officer

Improving public health, one community at a time

printed on recycled paper

MC/767
900 South Ashland Avenue, Suite 3302
Chicago, Illinois 60607

RICK A. KITTLES, PHD
Associate Professor,
Department of Medicine &
Division of Epidemiology
and Biostatistics

March 15, 2013

The Honorable Toni Preckwinkle
President, Cook County Board
118 N. Clark Street, Room 537
Chicago, IL 60602

Dear President Preckwinkle,

This letter serves as a reference for Terry Mason, M.D. and brief evaluation of his past accomplishments and future potential as Chief Operating Officer of the Cook County Department of Public Health. I have known him for over 16 years. His past accomplishments and contributions as a healthcare provider and advocate, researcher, community leader, and Commissioner of Health for the City of Chicago Department of Public Health, are well established and would merit leadership in the Cook County Department of Public Health.

I first met Dr. Mason when I was started my first faculty position at Howard University in 1997. We both were involved in a historic national study funded by the National Institutes of Health on hereditary prostate cancer in African American families. At the time Dr. Mason was practicing urology at Mercy Hospital and was one of the site leaders for the project in Chicago. I would come to Chicago often and meet with Dr. Mason and his staff. His contribution to the project was stellar and he quickly rose as a leader in the project. I was particularly impressed with his ability to communicate science and health issues not only to other scientists and physicians but to the general public. As a junior faculty at that time, it was encouraging and inspiring to see someone who not only had achieved much as a physician but also was committed to improving the health of the community.

Dr. Mason has had a strong and consistent record of leadership and advocacy in the public health field. Also he has an adjunct faculty position and is a colleague of mine here in the School of Public Health at the University of Illinois at Chicago. His public service has been broad and reveals a strong commitment to improving the public health of the community.

Dr. Mason is a visionary leader who is well respected by others who have worked with him and know him. Most importantly, over the years Dr. Mason has understood the value of mentorship. He continues to serve as a mentor for many young clinicians, public health students and workers still today.

Finally, I must add that my unequivocal assessment of Dr. Mason as one who should definitely hold the position of Chief Operating Officer of the Cook County Department of Public Health is due not only because of his international recognition as a physician and public health advocate, and his extensive track record of engaging underserved communities of Chicago, but also due to personal observations

UIC

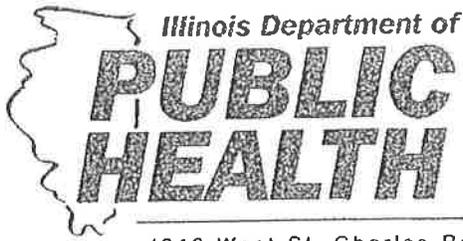
of Dr. Mason when he was on the Commissioner of Health for the City of Chicago Department of Public Health. Dr. Mason was a strong public health leader for the City of Chicago, providing honesty, thoughtfulness, scientific inquiry, collaborative spirit, and mentorship. Dr. Mason did not take his role as Commissioner lightly. When I talk to people who have worked with Dr. Mason, they are left personally inspired by his thoughtful insight and scientific knowledge. I definitely see Dr. Mason as a valuable asset for the Cook County Department of Public Health.

Please let me know if you have any questions.

Sincerely,



Rick Kittles, Ph.D.
Associate Professor of Medicine & Epidemiology and Biostatistics
Director, Institute of Human Genetics



Pat Quinn, Governor
LaMar Hasbrouck, MD, MPH, Director

4212 West St Charles Road • Bellwood, Illinois 60104-1146 • www.idph.state.il.us

March 14, 2013

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President, Cook County Board
118 N. Clark Street, Room 537
Chicago, IL 60602

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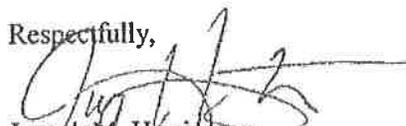
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Respectfully,



Joseph M. Harrington
Regional Health Officer

Improving public health, one community at a time

printed on recycled paper



MERCY HOSPITAL & MEDICAL CENTER
2525 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60616-2477
phone 312.567.2000

March 15, 2013

Toni Preckwinkle, President
Cook County Board
118 N. Clark, Room 537
Chicago, IL 60602

Dear President Preckwinkle:

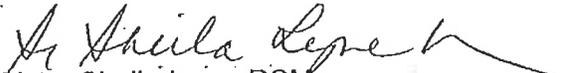
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Sincerely,


Sister Sheila Lyne, RSM
President and CEO



THE UNIVERSITY OF
CHICAGO MEDICINE

Urban Health Initiative

Eric E. Whitaker, M.D., M.P.H.
Executive Vice President for Strategic Affiliations and
Associate Dean for Community-Based Research
5841 S. Maryland Avenue, MC1112, Room A112
Chicago, Illinois 60637
(773) 702-6070
(773) 702-1213 Fax
Email: eric.whitaker@uchospitals.edu

Toni Preckwinkle
President
Cook County Board
69 W. Washington
Chicago, IL 60611

March 13, 2013

Dear President Preckwinkle:

I am writing this letter in strong support of Dr. Terry Mason's appointment to the role of Chief Operating Officer of the Cook County Department of Public Health. Terry has been a friend and mentor of mine for over two decades. We had the opportunity to work closely together for 3 plus years when I was the Illinois State Public Health Director and Terry was the Commissioner of Health for the City of Chicago. There had been many years of dysfunction and distrust between the public health department at the state and the city that led to wasted resources through duplication of efforts and poorer outcomes for Illinois residents. Working with Terry, we were able to streamline operations at both our departments, save money and have a greater impact for the state's public health. These areas of focus included chronic disease, bioterrorism, and basic data sharing. During this period of time we also worked with the COO of the CCDPH, sharing knowledge and resources for the betterment of us all.

My collaboration with Terry continued as we both changed jobs, me going to the University of Chicago and he to the Cook County Health and Hospital System. We were unsuccessful in my desire to enlarge the role of the University of Chicago Medical Center with Provident Hospital. We did, however, expand services between the South Side Health Collaborative, a grouping of southside federally qualified health centers, with the broader Cook County health center.. Terry always has the community at the forefront of his thoughts and makes certain that both public and private entities with which he works is held accountable. Importantly, he also through his bully platform has made community individuals aware of each person's role in maintaining one's own health; No one escapes accountability!





THE UNIVERSITY OF
CHICAGO MEDICINE

Urban Health Initiative

In closing, I believe that our health care system is ripe for innovation that will take us from a sick care system to a health system. Terry has always been at the vanguard of this transition. He is uniquely qualified to think about how to work with the Cook County Health care system as the County's public health lead and leverage population-based thinking into the planning and implementation of Obamacare at scale. There will be great distrust as we transition our health system. Terry is among the most trusted voices re: health in our community. I write this letter with strong conviction that Terry's continued service as COO of CCDPH would be a boon for our county's health. Please call me with any questions or concerns.

Sincerely,

Eric E. Whitaker M.D.

Eric E. Whitaker, MD, MPH



Good morning. I am John C. Allen, IV and currently the Director of the Department of Administrative Hearings. I would like to begin by thanking President Preckwinkle for appointing me to this position. I also want to thank Chairman Suffradin for allowing me the opportunity to appear before this committee. I appreciate the time that each of you took to meet with me over the past few weeks. It was a pleasure to meet with you personally and I enjoyed the brief conversations that we had. As you may recall, I am an attorney by trade. I graduated Wake Forest University School of Law and since then I have practiced law in a variety of contexts. From criminal prosecution to private practice and government work. Most recently, I was the Inspector General for the Illinois Department of Healthcare and Family Services. My office had a range of duties, including conducting Medicaid audits. In addition, I had a unit of attorneys that defended those audits at administrative hearings.

I am honored to have been chosen to lead the Department of Administrative Hearings in Cook County. In my short month here, I have been very impressed with the high morale and diligent work ethic of the staff here, as well as the professionalism and dedication of the Administrative Law Judges. My predecessor did a remarkable job of building this department from the ground up and I consider it my job to fortify and improve the Department. The ALJs and I take seriously our mission to impartially adjudicate county violations. Each member of the department understands that they represent the county government to the constituent and we see a wide spectrum of the population. The demeanor and knowledge-base of the ALJ is equally important. While deciding the merits of a case, the ALJs know that it is important to maintain a sense of fairness so that every respondent feels as though they have had a chance to say their piece; even if they are found in violation.

While our main goal is to ensure compliance with the law, the reality is that this Department has become a significant source of revenue for the County. While it's not our primary goal, most cases are going to result in a fine that is payable to the

County. I would like to continue searching for new sources of citations that can be heard by Administrative Hearings; either by rebuilding past relationships that have dwindled or forging new ones. Also, I want to bolster our department's relationship with our existing partners; mostly with the Sheriff (who provides the majority of cases) and the Department of Revenue (and their cases bring in the majority of our fines). Lastly, I would like to work with the suburban village governments and other local sworn police units to establish a mechanism where their cases could be heard through our Administrative Hearings.

To me, the best way to make these adjustments is with the use of current technology. Our current system, which is called DACRA, works well and can now be accessed by multiple partners, such as the State's Attorney's Office. I look forward to expanding its capabilities to better serve the County. One shortfall that we have is that our connection to the 5 regional courthouses is slow, to the point that the Judges and staff have problems entering cases quickly. A solution that was brought up while talking to the Chair is to try and integrate tablets, like the iPad or Microsoft Surface, so that we can take advantage of the 4G cell towers to interface with the County's system.

I appreciate the opportunity to serve Cook County and I Thank You for your confidence in me.

JOHN C. ALLEN, IV, Esq.
515 River Oaks Drive
River Forest, Illinois 60305
(708) 366-9249
jcaiv@comcast.net

PROFESSIONAL EXPERIENCE

ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES, Chicago, IL 2004-2011
Inspector General (May 2005 – October 2011)

Appointed by the Governor of Illinois and confirmed by the Illinois State Senate to direct all functions of the Office of Inspector General in order to ensure the integrity of all programs operated by the Department; Manage and oversee the Office's five Bureaus, those being Internal Affairs, Medicaid Integrity, Investigations, Information Technology and Administrative Litigation. Initiate and maintain guidelines for all OIG operations including formulating program changes and monitoring major procurement within the Department. Establish and maintain working relationships with relevant parties outside the Department to promote the integrity of the Department's programs.

- Increased savings to the State of Illinois by 70% through a variety of prevention activities and enforcement methods.
- As a result of winning a Transformation Grant from the Federal Department of Health and Human Services, a Predictive Modeling System was developed to improve care for asthmatic recipients as well as to identify collusion between psychotherapy and certain types of medical transportation companies.
- Worked with the Department's Division of Human Resources to perform background checks on new employees, investigate cases of employee misconduct; Investigated claims of inappropriate hiring and procurement practices.

Chief Counsel – Administrative Process, Division of Child Support Enforcement (Apr. 2004 – May 2005)

Manage Cook County field operations staff and provide counsel to statewide field operations staff. Identify, plan and implement special projects to resolve administrative inefficiencies and systemic barriers to better client service. Develop and execute strategies that improve the overall long-term effectiveness of child support enforcement for the entire State of Illinois. Assist in developing legislative proposals. Monitor and address issues among agency partners and field operations staff to enhance relationships and simplify operations.

KRINICK, SEGAL, MOODY, LEWIS & ALLEN, Newport News, Virginia 2000-2002
SOLE PRACTITIONER, Newport News, Virginia 1996-2000

Partner, Attorney at Law

Practice included civil litigation, criminal defense, corporate, real estate and debt collection. Worked with clients, local business leaders and community representatives to resolve disputes and affect compromise as an alternative to litigation. Performed recordkeeping and tax reporting for law practice and community organizations; provided hardware and software consulting to small businesses.

- Reached pretrial settlement with major firm on Title VII religious belief case.
- Incorporated small businesses and continued to serve as a business advisor.
- Initiated out-of-court settlement in dispute involving community organization and local businesses.

COMMONWEALTH ATTORNEY'S OFFICE, Yorktown, Virginia 1997

Assistant Commonwealth Attorney

Acting Chief Deputy Attorney, second-in-command, prosecuted felony and misdemeanor criminal violations in Circuit and General District Courts; prepared and tracked criminal cases; managed and provided user support on information systems hardware and software.

COMMONWEALTH ATTORNEY'S OFFICE, Hampton, Virginia 1991-1996

Special Prosecutor, Peninsula Narcotics Enforcement Task Force, Hampton Virginia (1996)

Prosecuted drug distributors and managed ongoing joint investigations in concert with US Attorney's Office, local law enforcement agencies and Commonwealth Attorney's Office; successfully prosecuted drug cases in Hampton, Newport News, York County, Poquoson, and Gloucester.

COMMONWEALTH ATTORNEY'S OFFICE, Hampton, Virginia (Continued)

Senior Assistant Commonwealth Attorney (1991-1995)

Prosecuted felony and misdemeanor criminal violations in General District, Circuit, Juvenile and Domestic Relations Courts; prepared and tracked criminal case files; supervised investigations on pending trial cases. Trained new and recent graduate attorneys.

- Represented Commonwealth as second chair in prosecution of professional athlete resulting in guilty verdict and sentence; managed media relations related to trial and outcome.
- Prosecuted underage youth with history of criminal charges resulting in adult conviction and sentence.
- Designed and implemented office automation; purchased network and systems; performed installation and trouble-shooting for network, PC hardware and software.
- Administered information systems budget of \$200K; provided user training and support.

SENATE OF VIRGINIA, Richmond, Virginia

1990-1991

Committee Clerk, Senate Clerk's Office

Assisted Courts of Justice Members managed advance preparation for all Committee activity; recorded and reported Committee votes; tracked and recorded evolution of bills and legislation. Served as Liaison to the public regarding pending legislation and Committee activity.

- Assisted in design and implementation of new automated voting system for Senate Committee.

LEGAL INTERNSHIPS

WAKE FOREST LAW SCHOOL, CLRIC, Winston Salem, North Carolina

CLRIC (Computer Learning Resource Instructional Center) Assistant

Trained and assisted users on WESTLAW, LEXIS, Interactive Video Laserdisc, and a variety of word processing software. Maintained personal computer and mainframe hardware.

SAS INSTITUTE, Cary, North Carolina

Created manual for contract negotiators in a large computer software development company to use in interpreting Federal Acquisition Regulation clauses. Researched international distributorship agreements. Completed U.S. export license applications.

DISTRICT OF COLUMBIA LAW REVISION COMMISSIONS, Washington, DC

Reviewed District of Columbia Code for possible revision. Researched issues requiring immediate attention of Commissioners. Wrote memoranda regarding surrounding state law. Monitored District Council meetings.

EDUCATION

Juris Doctor, Wake Forest University School of Law, Winston Salem, North Carolina 1989

Bachelor of Science, Hampton University, Hampton, Virginia 1985 Major: English (Technical Writing concentration)

PROFESSIONAL ACTIVITIES

- Association of Inspectors General, Illinois Chapter Board Member
- District 200, Oak Park & River Forest High School, 2007-2011 (Vice-President, 2010-11)
- Illinois State Bar Association, Family Law Section Council member, 2005-2011
- Former Board Member, Board of Zoning Appeals, City of Hampton, Virginia
- Former Board Member (Board President), Habitat for Humanity, Peninsula Region
- Former Board Member, Center for Child and Family Services, Hampton, Virginia
- Adjunct Professor, Accounting, English, Logic, Hampton University, 1996-1997

Shefsky
& Froelich
Attorneys at Law

111 E. Wacker Drive, Suite 2800
Chicago, Illinois 60601-3713
Tel 312.527.4000 Fax 312.527.4011
www.shefskylaw.com

BARRY MARAM
Direct: 312-840-4311
Facsimile: 312-275-7571
E-mail: bmaram@shefskylaw.com

IN REFERENCE TO

March 14, 2013

President Toni Preckwinkle
Cook County Board
118 N. Clark Street, 5th Floor
Chicago, IL 60602

Dear President Preckwinkle:

I would like to extend this letter as a personal recommendation of John C. Allen, IV. I became familiar with John approximately ten years ago, as he and his family were relocating to the Chicago area. Since that time, I have known him professionally and socially, and I can highly recommend him.

As Director of the Illinois Department of Healthcare and Family Services, I had the occasion to work closely with John for over seven years. I found him to be of outstanding professional character and an exceptional leader. He worked in the Division of Child Support Enforcement and then was appointed Inspector General of the Department of Healthcare and Family Services by the Governor of Illinois.

John supervised over 200 employees, working with a budget of approximately \$19 million. Leading the Office of Inspector General, John was successful in saving a record \$99.9 million for the State of Illinois. He served as the independent program integrity director of the Illinois Medicaid program and Child Support Enforcement services.

John also held a number of significant positions. Prior to relocating to Illinois, John practiced law in Virginia for ten years, first as a prosecutor and later as a private practice attorney. He was also elected and recently served on the Oak Park and River Forest High School Board of Trustees. John has been continually active with state and local attorney bar associations, as well as a guest speaker to law firms and continuing legal education programs.

I highly recommend John as an outstanding professional and highly recognized contributor to the community.

Very truly yours,



Barry Maram

PAMELA J. KUZNIAR, ESQ.
161 NORTH CLARK STREET, 47TH FLOOR
CHICAGO, ILLINOIS 60601

TEL: (312) 236-0990

FAX: (312) 236-1119

March 11, 2013

President Toni Preckwinkle
Cook County Board of Commissioners
118 N. Clark Street, 5th Floor
Chicago, IL 60602

Re: John C. Allen IV

Dear President Preckwinkle:

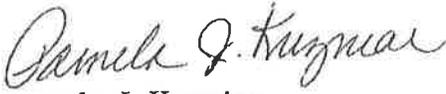
I'm writing to recommend John C. Allen IV for the position of the Director for the Department of Administrative Hearings.

I have known John for many years through various positions at the Illinois State Bar Association ("ISBA"). I know he will be very diligent in his work. I have personally observed is demeanor, leadership and excellent organizational skills. In my opinion, he would be an excellent Director. He is bright, intelligent and very hard working. He is honest, ethical and very professional in his dealing with other lawyers, litigants and judges. He has sense of humor and common sense: qualities that will help him in his position.

I also served with John on the Illinois State Bar Association's Family Law Section Council for multiple terms. He lectured and prepared materials for Continuing Legal Education seminars which is a significant commitment and contribution to the ISBA. He also was responsive to the Family Law Section Council through various electronic communications relative to upcoming events. He provided exceptional commentary on proposed legislation to the Illinois Marriage and Dissolution of Marriage Act and the Parentage Act as well as other proposed legislation. His insightful comments and suggestions reflect his intelligence and dedication to the law. He also participated in drafting legislation with other council members including members of the judiciary which benefited both the ISBA and residents of Illinois.

In addition, in my experience, he treats people regardless of their role in the system - with courtesy and respect. I believe that he would carry over that same attitude as Director for the Department of Administrative Hearings. I highly recommend John for the position of the Director for the Department of Administrative Hearings.

Very truly yours,


Pamela J. Kuzniar

OAK PARK AND RIVER FOREST HIGH SCHOOL

201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296

March 11, 2013

President Toni Preckwinkle
Cook County Board
5th Floor
118 N. Clark Street
Chicago, IL 60602

Dear Ms. Preckwinkle:

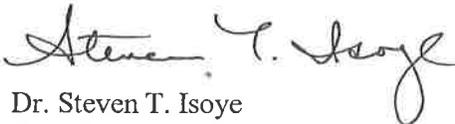
I am pleased to write this letter of recommendation for Mr. John Allen. I had the opportunity to work with John while he served on the Board of Education at Oak Park and River Forest High School District 200. I serve as the superintendent of the district. Currently, John continues to serve District 200 by participating on our Citizens' Council. This is a group of community members that comes together to ask questions about the school, learn about our programs, and helps communicate the information to our various stakeholders throughout the villages of Oak Park and River Forest.

While serving on the Board of Education, John was Vice President, Finance Committee Chair and Board of Education liaison to various organizations within the community. In that role, his leadership stood out as he worked closely with the Board on some difficult topics that needed to be addressed. He clearly knew how to navigate the many pieces involved with Board dynamics and the other parties involved. Throughout his term, John would articulate his position about certain topics, while remembering that he represented the community. His concern for the students and their experience, along with the experience of the families at the high school, helped guide him in the decision-making. He was well grounded in what he believed to be an excellent education for all students and he pushed the district to improve in regards to our efforts with our achievement gap.

His interest in the school and community continues to show through his participation on Citizens' Council. Through our presentation to the various members on the Council, John brings an added perspective from having served on the Board. This dimension is valuable for all those that attend. He will sometimes ask questions to push us deeper in the work that we do, but always in a way that keeps us focused how we must continuously strive to improve.

I strongly recommend John and know that he will be a strong addition to any organization. He is a true leader, able to work through the many turns that come with problem solving. He is trustworthy and honest through all aspects of what he does. John will push the organization and ask probing and reflective questions. He definitely knows how to get the work done. Please feel free to contact me if you have any question.

Sincerely,



Dr. Steven T. Isoye
Superintendent

**Peter M. Friedman
Holland & Knight LLP**

**Testimony before the Legislation and Intergovernmental Relations Committee of the
Board of Commissioners of Cook County
Appointment to Cook County Land Bank Authority Board of Directors**

March 19, 2013

Good morning -- Mr. Chairman, Commissioner Suffredin and Vice Chair, Commissioner Fritchey, and members of the Committee.

I am honored to have been appointed by President Preckwinkle to serve on the inaugural Cook County Land Bank Authority Board of Directors, and I appreciate this Committee's consideration of that appointment.

President Preckwinkle, Commissioner Gainer, and the entire Cook County Board deserve praise on the establishment of the Land Bank Authority. The Authority creates a real opportunity to return vacant, abandoned, and tax-delinquent properties to productive use. The Authority has great potential to combat community deterioration, create economic growth, and stabilize the housing and job markets within the County, both unincorporated areas and areas within the City of Chicago and within the 130 other Cook County municipalities. It is great to see the County, under your leadership, proactively and creatively dealing with these tough and difficult issues.

The Authority's work, its structure, and its mission in many ways fit hand and glove with my practice and background. I am currently the Leader of Holland & Knight's Chicago Real Estate and Local Government Practice Group. For more than 40 years I have practiced in all aspects of real estate finance, acquisition, development, zoning, and land use and entitlement matters, including substantial work in Cook County.

I have this experience from both government and private sector perspectives. I serve as General Counsel to the City of Des Plaines and other Illinois municipalities and have been intricately involved as these local governments have addressed precisely the types of housing challenges that precipitated the County's creation of the Land Bank. At the same time, I represent numerous private sector clients within the real estate development community. I know the practical and legal challenges and risks that they confront as they attempt to bring failed developments and vacant tracts of land back into productive and economic use.

That said, all of what I do on these real estate and government issues is not necessarily for clients. I believe, as does Holland & Knight, that our professional responsibilities include a commitment to give back and serve and work to improve the communities in which we work. I view my service on the Land Bank Board as part of that commitment.

The Land Bank will certainly have its challenges. The scope of need is great -- with 10 percent of Cook County housing units vacant, and more than 85,000 pending foreclosures and many more filed each and every day. Many of these challenges will relate to the ability of the Authority to acquire, hold, and convey property in the most efficient and cost effective manner. The Board's authorizing legislation correctly structured the Land Bank Authority as a quasi-governmental agency of the County but with an independent Board of Directors. This should infuse the Authority with the critical dual powers to hold properties tax exempt and to extinguish back taxes and otherwise clear title.

To succeed, the Authority must be nimble and flexible in acquiring, managing, and disposing of properties. This flexibility is critical and will raise many legal issues regarding the scope of the County's home rule authority and the extent to which that authority can be applied to the Land Bank and its property holdings and transactions. It will be important to the goals of the Authority to have Board members with a keen sense of these legal opportunities and constraints. I hope that I can bring to this service skills and experience and perspective that will be valuable, as an Illinois local government attorney, the author of a treatise on Illinois Municipal Property, and as the head of one of the largest and most respected municipal and local government practice groups in Illinois.

The Land Bank Ordinance rightly vests power in an independent and diverse Board with members from various elements of local government and for-profit and not-for-profit real estate, housing, banking, and economic development communities. It will be essential for members of the Board to work hard and cooperatively. In this regard, I have many years of experience working on and with governing boards that must address a full range of difficult substantive issues with varied board personalities. I think I have been successful in helping to facilitate cooperation, generating productive discussion, and navigating through difficult situations, all with the goal of achieving constructive and ordered dialogue to get to thoughtful and informed decisions. I hope to do the same on the Land Bank Board.

In closing -- the Illinois Constitution and the Illinois Municipal Code ^{and the Counties Code} provide the tools of authority to allow creative approaches to difficult and seemingly intractable problems. Perhaps no challenge facing the County is more difficult than how to change the trajectory of distressed residential and non-residential properties and the communities in which they exist. I believe that it can be done. Under your leadership, the County Board has established a unique entity to spur economic development and lift up communities still struggling with the impacts of the housing crisis and our slowly-recovering economy. I hope that I will be able to serve, and I appreciate your consideration.

The following individuals will be nominated to the Board of Directors of the Cook County Land Bank Authority, pending approval by the Cook County Board of Commissioners of an ordinance amendment to create a Board of Directors position for a representative of the legal community and increase the number of suburban mayors, presidents, or village managers on the Board of Directors from two (2) to three (3).

Suburban Cook County Mayors, Presidents or Village Managers (3)

Nicholas J. Helmer (to be nominated), Mayor - City of Prospect Heights, is the Chairman of Inland Great Lakes, L.L.C. (IGL Real Estate). Mr. Helmer first joined Inland Real Estate Corporation (Now the Inland Group of Companies) in 1969 initially as head of Property Management Operations and later as President of Inland Residential Sales Corporation, the predecessor of IGL. Mr. Helmer was responsible for the conversion, rehab, marketing and sale of condominium properties owned by Inland and its affiliates. He is a Certified Property Manager, a licensed real estate broker and holds a degree in Business Communications from Loyola University.

He has served two terms as president of the Institute of Real Estate Management, Chicago Chapter, as president of Chicago's West Side Real Estate Board, and as a Director of the Chicago Board of Realtors. Helmer was recently named "CPM of the Year" by the Chicago Chapter of the Institute of Real Estate Management. He has also served as Asset Manager for Palwaukee Municipal Airport, representing the City of Prospect Heights, and is a licensed pilot. He served with the United States Army in Europe as a newspaper reporter, photographer and radio broadcaster. Under Mr. Helmer's tenure as Chairman, IGL continues in the conversion, construction, sales and management of condominiums throughout Northern Illinois and Southern Wisconsin having completed more than 5,000 units at 52 different properties to date. IGL has consistently been named to the "Top 50 Builders" by the Chicago Sun Times.

Mr. Helmer is a member of the Realtor Association of the Western Suburbs, the National Association of Realtors, the Northern Illinois Homebuilders Association, the Institute of Real Estate Management and the Palwaukee Airport Pilot's Association. IGL President, Nicholas J. Helmer, has received a Premier award for "CPM of the Year" for 2004.

Legal Community

Peter M. Friedman (to be nominated) has an accomplished and broad real estate practice and is the practice group leader of Holland & Knight's Chicago Real Estate and Local Government Group. Mr. Friedman represents private and public sector clients in all phases of real estate finance, acquisition, development, zoning and land use matters. He counsels property owners, pension funds, tenants and developers in a variety of real estate and transactional projects.

Mr. Friedman also represents numerous local and state government agencies, municipalities and counties on all aspects of real estate, development and government law. He regularly prepares comprehensive landmark and historic district rules and regulations, zoning and land use ordinances, tree protection regulations, sign regulations, bulk restrictions, personnel policy manuals, franchise agreements, annexation agreements, boundary agreements, tax incentive and abatement agreements, and business district redevelopment plans. He is village attorney for the villages of Lake Bluff and Oak Brook, Illinois, serves as general counsel to the Chicago Association of Realtors and is special outside counsel to the Illinois Emergency Management Agency. Mr. Friedman also has special knowledge in environmental law.

Mr. Friedman has argued cases in Federal District and Appellate Courts and at all levels of state court, including before the Illinois Supreme Court. Mr. Friedman served as a judicial clerk to The Honorable Suzanne B. Conlon, judge of the U.S. District Court for the Northern District of Illinois. Prior to that, Mr. Friedman worked for five years on the staff and as legislative director for Congressman John Porter (IL-10) in Washington, D.C. Mr. Friedman is an adjunct professor of law at John Marshall Law School, where he teaches Historic Preservation Law. He is a fellow in the 2012 class of Leadership Greater Chicago and a recent graduate of the Wexner Heritage Program.