

December 2003

**Cook County Commissioner
Mike Quigley, 10th District**

“This is the best of the reform reports ever to be written on Cook County government. We would be much better off if its recommendations were adopted.”

Dick Simpson, Professor of Political Science at the University of Illinois-Chicago, former 44th Ward alderman, and author of "The Crazy Quilt of Cook County Government"

"The Quigley report is the first comprehensive attempt to truly reform governance in Cook County that is based upon best practices and common sense."

John P. Pelissero, Professor of Political Science,
Loyola University Chicago

“Commissioner Quigley's report is a thoughtful, well-researched, and on the whole impressive document. Hopefully it can serve as both catalyst and starting point for the long-overdue reinvention of Cook County Government.”

David Schulz, Director of the Infrastructure Technology Institute and Adjunct Professor of Civil and Environmental Engineering at Northwestern University, and former County Executive of Milwaukee County, Wisconsin

“A deep, long, thoughtful review. Raises many issues that deserve serious discussion.”

Terry Nichols Clark, Professor of Sociology at the University of Chicago and international Coordinator of the Fiscal Austerity and Urban Innovation Project

“County government was invented to solve problems faced in managing a young, rural nation. It is high time to reinvent it.”

H. Woods Bowman, Associate Professor at DePaul University and former Cook County Chief Financial Officer

Staff

Jason Liechty, Senior Policy Analyst
Kimberly Walz, Director of Policy Analysis
Jennifer Koehler, Chief of Staff
Laura Nelson, Legislative Aide
Jeanine Solinski, Summer Policy Associate

Acknowledgements

Nathan Benefield
James Krueger
Ann Biemolt

Advisory Panel

Professor H. Woods Bowman, DePaul University
Professor Terry Clark, University of Chicago
Professor Sean Gailmard, University of Chicago
Professor Donald Haider, Northwestern University
Professor John Pelissero, Loyola University
Professor David Schulz, Northwestern University
Professor Dick Simpson, University of Illinois at Chicago

TABLE OF CONTENTS

Foreword	v
Executive Summary	vi
SECTION 1: HISTORY AND BACKGROUND	1
American County Government.....	2
History of Cook County Government	6
Cook County and the 1970 Constitution.....	8
County Government: One Size Does Not Fit All	11
Structure and Functions of Cook County	14
SECTION 2: COUNTY STRUCTURE.....	17
Create an Office of Tax Administration that unites the property tax functions of the Assessor, Auditor, County Clerk, Treasurer, and Recorder of Deeds.....	20
Merge the offices of County Clerk and Recorder of Deeds.....	23
Allow the judiciary to appoint the Clerk of the Circuit Court.....	25
Transfer responsibility for the County Law Library to the judiciary.....	27
Dissolve the Sheriff's Police Department and transfer patrol duties in unincorporated Cook County to adjacent municipalities.....	28
Transfer the Sheriff's custodial duties to the Department of Facilities Management and consider privatization.....	30
Transfer the Sheriff's Department of Corrections to the Bureau of Public Safety/Judicial Administration.....	31
SECTION 3: NEIGHBORING GOVERNMENTS.....	33
Dissolve Cook County townships and transfer their duties to other units of government.....	34
Merge the Chicago Board of Election Commissioners and the Cook County Clerk's Election Department.....	37
Absorb municipal health clinics into the Cook County Department of Public Health.....	39
Transfer county highways to local municipalities.....	42
Transfer building and zoning regulation to local municipalities.....	44
Transfer liquor control to local municipalities.....	45
Transfer animal control to local municipalities.....	46
Absorb sanitary districts within the County into the Metropolitan Water Reclamation District.....	49
Absorb the county's four mosquito abatement districts into the Cook County Department of Public Health.....	51
Absorb the Suburban Cook County Tuberculosis Sanitarium District into the Cook County Department of Public Health.....	53

SECTION 4: BOARD STRUCTURE	55
End the practice of allowing the President of the County Board to serve simultaneously as a Commissioner.	56
Reduce the majority needed to override a presidential veto from 4/5 to 3/5.	58
Merge the Clerk of the Board into the Secretary of the Board.	60
Establish a permanent, independent Innovation and Efficiency Commission.....	61
Strengthen the office of the Inspector General.....	63
 Appendix I: Fiscal Impact Methodology	 65

FOREWORD

This report is divided into four sections: history and background, county structure, neighboring governments, and board structure.

Section 1, **History and Background**, reflects on the evolution of county government and traces the county's path to its present situation; Section 2, **County Structure**, presents an overview of proposed structural reforms for Cook County; Section 3, **Neighboring Governments**, presents recommendations for more efficient government through consolidation of services; and lastly, Section 4, **Board Structure**, presents proposals for reforming the County Board.

This report is **Part I** in a series of two reports on reinventing Cook County. **Part II** will focus on proposed cost savings measures and budgetary reforms. These reports do not address structural reforms or budgetary recommendations for the Cook County Forest Preserve District. We have studied and will continue to study the Forest Preserve District in other documents.

EXECUTIVE SUMMARY

Reinventing government is about starting over. If we were to create Cook County today, knowing all that we now know about technology, government efficiency, and innovation, where would we start? What structure would provide the highest levels of clarity and transparency to the public? What measures can we implement to identify and ameliorate inefficiencies in service delivery, before they become ingrained in Cook County bureaucracy? What does a comprehensible property tax system look like?

This report is intended to answer these questions. These proposed reforms would strip away duplication and waste, expand service delivery where appropriate, and make the County system simpler and more accountable to citizens.

Proposed reforms to the system of government in Cook County include:

County Structure

- Simplifying the property tax system by creating a new Office of Tax Administration through consolidation of the assessor's and treasurer's offices and parts of the offices of county clerk and recorder of deeds.
- Merging the offices of county clerk and recorder of deeds.
- Allowing the judiciary to appoint the clerk of the circuit court.
- Moving the Department of Corrections from the Sheriff's Office to the Bureau of Public Safety.

Neighboring Governments

- Transferring responsibility for municipal-level services (police patrols, highways, liquor control, animal control, and building and zoning regulation) in unincorporated areas to adjacent municipalities.
- Folding select special district governments into the County.
- Merging municipal health departments with the County Department of Public Health.
- Creating one county-wide Board of Election Commissioners.

Board Structure

- Creating a true separation of powers by severing the presidency from board membership.
- Reducing the board majority necessary to override a presidential veto from 4/5 to 3/5.
- Creating a permanent Innovation and Efficiency Commission to advise county agencies and policy-makers.

These are changes that would benefit the citizens of Cook County by eliminating the more arcane elements of the system, improving efficiency in service delivery, facilitating coordination among units of local government and making government more accessible to the people. Moreover, the recommendations potentially could save the County more than \$50 million annually.

We recognize the controversial nature of these recommendations and realize that each proposal presents arguments that require careful deliberation. While not politically popular, all of these recommendations are designed to create a streamlined Cook County government, able to meet the demands of its citizenry through careful allocation and spending of tax dollars.

We look forward to the ensuing debate.

SECTION 1

HISTORY AND BACKGROUND

American County Government

Early County Government

Though separated in time by nearly 1,000 years, modern American county governments still perform many of the same functions that shires once did: police and military administration, courts, taxation, welfare, and public works.

County government predates the founding of the United States by nine hundred years. In the 9th century, the king of England divided his realm into administrative districts known as “shires,” and later as “counties.” These districts were legally part of the central government, but in practice could exercise significant independence with respect to their own affairs. Three executive officers and a “court” of landowners with legislative and judicial powers governed each shire. Though separated in time by nearly 1,000 years, modern American county governments still perform many of the same functions that shires once did: police and military administration, courts, taxation, welfare, and public works.¹

All American colonies established county governments featuring the multiple executive officers found in the English system. However, county government in each region of the colonies developed differently. In New England, strong town and village governments kept county government relatively weak. In the middle colonies of New York and New Jersey, county governments were stronger but dominated by town and village interests. The situation was different in Virginia and other southern colonies, where the county was the dominant level of local government. County government was dominant in Pennsylvania as well, not through gradual evolution but due to a conscious decision on the part of colony founder William Penn. In later decades, Pennsylvania’s county model spread to many western states, the Midwest largely adopted the New York-New Jersey variant, and the Virginia model took hold throughout the South.²

During the 19th century, two developments had a major impact on county government. One was the trend toward electing rather than appointing many county offices, an outgrowth of the populist, egalitarian “Jacksonian democracy” and “frontier spirit” that characterized early 19th century American politics. The other clarified the legal status of the county. According to an 1868 Iowa Supreme Court decision, counties (and other local governments) are creatures of the state and therefore can exercise only those powers that have been granted explicitly to them by the state. This principle, named

¹ Lawrence L. Martin, “American County Government: An Historical Perspective,” in *County Governments in an Era of Change*, ed. David R. Berman (Westport, CT: Greenwood Press, 1993), 1-2.

² Martin, 3-5.

“Dillon’s Law” after the justice who wrote the Iowa court’s opinion, became the legal standard across the country.³

Progressive Era Reforms

One of the major problems facing county government in the nineteenth and early twentieth centuries was corruption. In the early 1900s, Progressive Era reformers attempted to bring about cleaner, more effective local government through structural and organizational changes. Public administration professor Lawrence L. Martin names four reforms as especially important to the development of county government: abolition of the fee system, reduction in the number of elected officials, professional management, and home rule.⁴

The “fee system” refers to a practice in which county officials receive their income from the fees collected for permits, fines, licenses, and so on. In urban counties, which experienced dramatic population increases around the turn of the 20th century, fees generated significant sums of money, leading to widespread abuses of the system. Progressive reformers succeeded in essentially abolishing this practice in the United States in favor of salaried compensation for officials.⁵

Reformers also focused their zeal on the large number of elected officials found in most counties, arguing that the so-called “long ballot” was a recipe for confusion, duplication of effort, and general inefficiency. They believed that a “short ballot” with fewer elected offices, and therefore a simplified administrative structure, would yield better government. This reform, however, met with much less success than attempts to abolish the fee system. Most counties today continue to elect numerous officials.⁶

Good-government advocates also touted professional management as a means to improve the administration of local government. They argued that the problems of government could be remedied by adopting the organizational principles and emphasis on technical expertise found in the business world. Consequently, the council-manager form of government developed; under this system, a professional administrator is hired to manage day-to-day affairs, allowing the council to concentrate on policy decisions. Many

Four reforms...[were] especially important to the development of county government: abolition of the fee system, reduction in the number of elected officials, professional management, and home rule.

³ Martin, 6-8.

⁴ Martin, 9-10.

⁵ Martin, 9-10.

⁶ Martin, 9-10.

Home rule for counties emerged in 1911 after California voters approved a constitutional amendment authorizing counties to adopt home rule charters.

cities—but very few counties—converted to council-manager government in the early part of the 20th century.⁷

The final important Progressive reform is home rule. In essence, home rule is the opposite of Dillon's Rule: rather than allowing local governments to do only what is explicitly permitted, home rule grants them all powers other than those explicitly forbidden. With this authority, local governments can be flexible in developing solutions to their particular problems and can keep up with changes in society. Missouri, in its 1875 constitution, was the first state to grant home rule to municipalities; home rule for counties emerged in 1911 after California voters approved a constitutional amendment authorizing counties to adopt home rule charters. Los Angeles and San Bernardino counties approved charters in 1912, becoming the first home rule counties in the nation.⁸

Post-War Developments

Over the last half century, suburbanization and population growth have increased the demand for services provided by county government. At the same time, states have often required counties to take on greater responsibilities, and many federal programs have been designed to be administered at the county level. The result is a greater role for county government in many areas, including road construction, waste management, public health, recreation services, education, transportation, and planning.⁹ That growth is reflected in a dramatic increase in the number of county employees—from a total of 649,000 nationwide in 1957 to over 2.1 million full-time equivalent positions in 1997.¹⁰

Post-war population growth also put pressure on the many counties with antiquated electoral systems. In these counties, electoral district boundaries did not reflect changes in population. As a result, a rural area and an urban area might each have one representative, even though the urban area was much more heavily populated. The U.S. Supreme Court ruled such unequal representation unconstitutional in two landmark cases, *Baker v Carr* (1962) and *Reynolds v Sims* (1964). In subsequent years, state courts

⁷ Martin, 10-11.

⁸ Dawn Cowan and Tanis Janes Salant, *County Charter Government in the West* (Tucson, AZ: University of Arizona for the National Association of Counties, 1999), 1.

⁹ Charlie B. Tyer, "County Government in the Palmetto State" (Columbia, SC: Center for Governmental Services, Institute for Public Service and Policy Research, University of South Carolina), <http://www.iopa.sc.edu/grs/SCCEP/Articles/county%20government.htm>.

¹⁰ U.S. Census Bureau, *Compendium of Public Employment*, vol. 3, no. 2, *1997 Census of Governments* (Washington, DC: U.S. Census Bureau, 2000), 4.

extended this legal principle of equal apportionment on the basis of population to the local level.¹¹

The increased complexity and size of county government also has been accompanied by a revival of interest in structural reform. More and more counties, particularly large urban or suburban counties, are adopting council-manager or council-executive forms of government, drafting home rule charters, and changing elected county offices into appointed positions. However, there are very few examples of dramatic, systematic change; most often, reform happens incrementally. A true reinvention of county government has yet to take place.

More and more counties, particularly large urban or suburban counties, are adopting council-manager or council-executive forms of government, drafting home rule charters, and changing elected county offices into appointed positions.

¹¹ *Encyclopædia Britannica Online*, s.v. "Baker v. Carr," <http://search.eb.com/eb/article?eu=12012> (accessed August 7, 2003).

History of Cook County Government

Illinois was divided into counties even before it became a state in 1818. The state's first constitution set up county governments based on the "county court" model common in Southern states, but it said little else about counties. During this period, many county appointive offices became elective, following a national trend which favored the election of county officers.¹²

The state's second constitution, adopted in 1848, paid far more attention to county government than its predecessor. Counties could choose between two types of government: the pre-existing county court and the new township model, in which the supervisors of all the townships in a county collectively form the county board. By 1870, a total of 70 Illinois counties—including Cook County—had adopted township organization.¹³

The 1870 constitution reshaped county government in Illinois even more dramatically. The county commission system replaced the county court, but township organization remained an option. In addition, Illinois adopted the long ballot with a vengeance: the 1870 constitution required each county to elect a county judge, county clerk, clerk of the circuit court, surveyor (eliminated as an elected position by an 1880 amendment), treasurer, coroner, state's attorney—and in counties with more than 60,000 inhabitants, a recorder of deeds. In addition, the General Assembly could create additional elective offices, such as superintendent of schools, for large counties.¹⁴

The 1870 constitution also contained two important restrictions. One prohibited legislation "regulating county or township affairs," as had been permitted under previous constitutions. In other words, the General Assembly could no longer pass legislation applying to individual counties or cities by name. However, delegates devised a way around this rule: population ranges were used to separate counties and cities into classes. Cook County was the only county in its class and therefore still could be singled out for special treatment.¹⁵ (The use of population classes continues under the 1970 constitution as well.) The second important prohibition applied to local government finance. Counties could not levy taxes higher than 75 cents per \$100 valuation without referendum approval, nor hold debt in excess of five percent of the assessed value of taxable

The 1870 constitution required each county to elect a county judge, county clerk, clerk of the circuit court, surveyor, treasurer, coroner, state's attorney—and in counties with more than 60,000 inhabitants, a recorder of deeds.

¹² Clyde F. Snider and Irving Howards, *County Government in Illinois* (Carbondale, IL: Southern Illinois University, 1960), 6-12.

¹³ Snider and Howards, 15-18.

¹⁴ Snider and Howards, 20-21.

¹⁵ Snider and Howards, 19-20.

property.¹⁶ To evade these restrictions, local officials could create special districts—independent, single-purpose units of local government with their own powers of taxation. Over the years, thousands of special districts were created in Illinois. Unsurprisingly, Illinois today has more units of local government than any other state in the union.

Cook County's special constitutional status began with the 1870 constitution. Even by that time, it was clear that Cook County could no longer be treated like other counties. Prior to the new constitution, Cook had been a township county, with the board composed of township representatives. This form of government led to the board ballooning to over 80 members and created a situation in which rural areas accounting for just one-eighth of the county's population held a majority of the seats on the board of supervisors. At the constitutional convention, a delegate from a rural part of Cook County readily admitted that this disproportionate representation was patently unfair to the city of Chicago. He proposed a 15-member board of commissioners as a remedy, with ten members to be elected at large from the city of Chicago and five at large from suburban areas. The proposal was so uncontroversial that it was adopted by voice vote of the convention immediately after it was presented.¹⁷

In 1887, the General Assembly enacted legislation creating the position of President of the County Board, to be selected by voters from the pool of candidates running for seats on the Board. It also gave the president the ability to veto legislation and required a four-fifths vote of the Board of Commissioners to override a veto.¹⁸

During the 100 years between the adoption of the 1870 and 1970 constitutions, there was in fact another constitutional convention. Convened in 1919 at the height of the Progressive Era, the convention suffered from a number of flaws that ultimately doomed the proposed constitution. Cook County was under-represented; the atmosphere was highly partisan (Republicans outnumbered Democrats by a ratio of five to one); delegates drafted home rule provisions with which Chicago was unhappy; and the convention dragged on for nearly three years. Voters rejected the proposed constitution at the polls in December 1922, thanks in large part to Cook County voters, who opposed the constitution by a margin of twenty to one.¹⁹

Cook County's special constitutional status began with the 1870 Constitution.

In 1887, the General Assembly enacted legislation creating the position of President of the County Board, to be selected by voters from the pool of candidates running for seats on the Board.

¹⁶ Snider and Howards, 22.

¹⁷ George D. Braden and Rubin G. Cohn, *The Illinois Constitution: An Annotated and Comparative Analysis* (Urbana, IL: Institute of Government and Public Affairs, University of Illinois, for the Illinois Constitution Study Commission, 1969), 501.

¹⁸ *Dunne v. County of Cook*, 123 Ill. App. 3d 468.

¹⁹ David Kenney, *Basic Illinois Government: A Systematic Explanation* (Carbondale, IL: Southern Illinois University Press, 1970), 124, 319-320; Samuel K. Gove and James

In 1950, Illinois voters approved the so-called “Gateway Amendment,” which eased the requirements for amending the state constitution.²⁰ This change paved the way for the 1962 approval of a new Judicial Amendment, which drastically revamped the state’s court system. In Cook County, the amendment meant the consolidation of 208 separate courts into one unified court system and the election of just one clerk of the circuit court rather than multiple clerks for assorted courts.²¹

Cook County and the 1970 Constitution

By the mid-1960s, it was clear that the 1870 constitution needed substantial revision; the world had changed a great deal in the nearly 100 years since it was adopted. Therefore, in 1968 the General Assembly put a referendum question on the November ballot, asking citizens if the state should convene a constitutional convention. The measure was approved by over 70 percent of voters, and a year later voters elected delegates on a non-partisan basis to the Sixth Illinois Constitutional Convention. Although some issues were contentious, the convention succeeded in reaching widespread agreement. Voters approved the new charter at a special election held in December 1970, and the state’s fourth constitution went into effect the following year.²²

*Without question,
the most important
provision in the 1970
constitution affecting
local government is
home rule.*

Without question, the most important provision in the 1970 constitution affecting local government is home rule. The framers of the Constitution recognized that the fewer restrictions placed on units of local government, the more freedom they would have to deal with their problems creatively and in ways which best suited their unique circumstances. Automatically granted to all municipalities with a population over 25,000 and to counties with an elected chief executive officer—at the time, only Cook County so qualified—home rule allows a local government to “exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur

D. Nowlan, *Illinois Politics and Government: The Expanding Metropolitan Frontier* (Lincoln, NE: University of Nebraska Press, 1996), 72.

²⁰ Gove and Nowlan, 72-73.

²¹ Illinois Supreme Court, “A Short History of the Illinois Judicial Systems,” Illinois Supreme Court, <http://www.state.il.us/court/SupremeCourt/History.htm>.

²² Gove and Nowlan, 73-76.

debt.”²³ Furthermore, the Constitution states that home rule “shall be construed liberally.”²⁴

Although home rule by definition is a broad grant of power, some specific powers were described, including the power “subject to approval by referendum to adopt, alter, or repeal a form of government provided by law....”²⁵ There are, however, some limits on the exercise of home rule powers. The state legislature can declare certain functions or powers to be exclusive to the state, limit powers not held exclusively by the state by a 3/5 vote in each house, or assume jurisdiction over a certain part of a power or function, allowing concurrent exercise by home rule units over the other parts.²⁶ Certain prohibitions on home rule power are contained within the Constitution itself:

- Actions that pertain to area, state, or national problems rather than the government and affairs of the home-rule unit.²⁷
- Creation of a felony crime or a crime punishable by more than six months’ imprisonment.²⁸
- Taxes on income, earnings, or upon occupations.²⁹

In addition, the General Assembly may limit the amount of debt which home rule counties are allowed to incur.³⁰

The 1970 constitution also contains language meant to discourage the continued proliferation of special districts and to encourage intergovernmental cooperation. Home-rule units gained the power to create areas within their borders subject to additional taxes, which would be used to provide special services to those areas.³¹ The Constitution also encourages intergovernmental cooperation by permitting units of government to share services, combine or transfer powers, and contract with public or private sector entities “in any manner not prohibited by law or by ordinance.”³²

All counties, home rule or not, have the power under the 1970 constitution to create or eliminate county offices or to change the terms of office and manner of selection of county officers, subject to referendum approval. They also have the ability to alter the common

Home rule allows a local government to “exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.”

²³ Illinois Constitution, art. 7, sec. 6a.

²⁴ Illinois Constitution, art. 7, sec. 6m.

²⁵ Illinois Constitution, art. 7, sec. 6f.

²⁶ Illinois Constitution, art. 7, sec. 6g-6i.

²⁷ Illinois Constitution, art. 7, sec. 6a.

²⁸ Illinois Constitution, art. 7, sec. 6e.

²⁹ Illinois Constitution, art. 7, sec. 6e.

³⁰ Illinois Constitution, art. 7, sec. 6j.

³¹ Illinois Constitution, art. 7, sec. 6l.

³² Illinois Constitution, art. 7, sec. 10a.

The 1970 constitution also removed the requirement that the President of the Cook County Board be chosen from among the candidates for seats on the Board. However, it permitted Cook County to continue the practice of allowing persons to run for and hold office as both commissioner and President.

law powers of county officers, something which had not been permitted under the 1870 Constitution.³³

The 1970 constitution also removed the requirement that the President of the Cook County Board be chosen from among the candidates for seats on the Board. However, it permitted Cook County to continue the practice of allowing persons to run for and hold office as both commissioner and President. The Board took this step in 1973; every president to date indeed has served simultaneously as a commissioner.³⁴

Another significant change to the framework of Cook County government occurred soon after the adoption of the Constitution, this time from an external source. In the wake of Supreme Court decisions requiring legislative districts at all levels to be apportioned equally by population, U.S. District Court Judge Hubert L. Will ordered in 1973 that a sixth suburban member be added to the Board of Commissioners. Suburban population growth meant that the original 10-5 distribution of seats was no longer equitable.³⁵ The federal courts ordered the creation of a seventh suburban seat in 1982 for the same reason.³⁶

The Board also underwent an historic change following a successful 1990 referendum vote to adopt a single-member-district system for electing commissioners. Beginning with the 1994 election, board members were elected from 17 districts equally apportioned according to population.³⁷ The switch to district-based elections also meant that for the first time, commissioners had a defined group of constituents, and constituents had a specific commissioner to whom to turn for assistance. District offices became necessary in order to facilitate this direct constituent service.

³³ Illinois Constitution, art. 7, sec. 4c and 4d.

³⁴ Barbara Page Fiske, ed., *Key to Government in Chicago and Suburban Cook County* (Chicago: University of Chicago Press, 1989), 164.

³⁵ Elmer Gertz and Joseph P. Pisciotte, *Charter for a New Age: An Inside View of the Sixth Illinois Constitutional Convention* (Urbana, IL: University of Illinois Press, for the Institute of Government of Public Affairs, University of Illinois, 1980), 251.

³⁶ David R. Miller, *1970 Illinois Constitution Annotated for Legislators*, 4th ed., Publication 274 (Springfield, IL: Illinois Legislative Research Unit, 1996), 62.

³⁷ Office of the Secretary to the Board, "What's Cookin' in Cook County," Cook County, http://www.cookcountygov.com/secretary/HomePage_Links/whats_cookin_in_cook_county_book.htm.

County Government: One Size Does Not Fit All

County government is a vital part of the American system of government, but it is by no means homogeneous. Counties in the United States differ drastically in terms of size, population, responsibilities, powers, and structure. For example, Delaware and Hawaii have three counties each, the fewest among the fifty states; Texas has the most, with 254 counties; Illinois has 102. In total, there are 3,033 counties and 33 combined city-county governments in the U.S. Other figures show just how much counties can differ from one another:

- Size: from the 26 square miles of Arlington County, Virginia, to the 87,860 square miles of the North Slope, Alaska.
- Population: from 67 residents in Loving County, Texas, to 9,519,338 residents in Los Angeles County, California.
- Powers: Counties are functioning units of government in 48 states, but not in Connecticut or Rhode Island. In those two states, counties exist only as geographical units.

Of course, counties also share many features in common. One similarity is in the traditional duties that counties perform.³⁸

There are a number of tasks for which counties historically have been responsible, and which almost all counties carry out to this day: maintenance of public records, public safety, judicial administration, maintenance of roads and bridges, public health, and welfare. Additional duties vary. In some states, counties are responsible for administering the local public schools (and have correspondingly larger budgets than similar counties without that task). Urban and suburban areas also tend to offer more services than rural counties; those services might include water management, sewage treatment, public transportation, airports, hospitals, planning and economic development, and park systems, to name a few. The wide variation in county populations and responsibilities in turn leads to vast differences in county budgets and workforces. Small, rural counties might have no full-time employees and spend less than \$10,000 annually, whereas large urban counties employ tens of thousands and have billion-dollar budgets.

There is far less divergence among counties when it comes to the structure of their governments. Each county government takes

Counties in the United States differ drastically in terms of size, population, responsibilities, powers, and structure.

³⁸ National Association of Counties, *A Brief Overview of County Government*, rev. ed. (Washington, DC: National Association of Counties, August 2003), 1-2.

Each county government takes one of three basic forms: the commission system, the council-executive system, and the council-manager system.

Typically, under all three systems, a number of independently elected officials have executive authority over particular areas of county government.

one of three basic forms: the commission system, the council-executive system, and the council-manager system.

The commission form is the most traditional county government. The central feature is a governing board which wields both legislative and administrative authority, just like the “shire court” of 1,200 years ago. The number of board members and the method by which they are elected varies. Most large metropolitan counties have abandoned commission government in favor of the council-administrator or council-executive form.³⁹ In Illinois, seventeen counties (concentrated in the southern half of the state) still use the commission form.⁴⁰

The hallmark of the council-executive form of county government is the separation of powers. A popularly elected county executive possesses executive authority—usually including veto power, the ability to appoint department heads, and responsibility for budget preparation—while the elected county board acts as the legislature. The county government might also include a professional chief administrator to assist the county executive with daily operations.⁴¹

The last model of county government is the council-administrator form. This system is the county equivalent of the council-manager model of municipal government, in which an elected council retains legislative and ultimate administrative authority but hires a professional administrator to manage the day-to-day affairs of government. Depending on the county, an administrator may have extensive powers, including the ability to appoint and dismiss department heads, be restricted to a strictly supportive administrative role, or possess a level of authority somewhere between those two extremes.⁴²

Typically, under all three systems, a number of independently elected officials have executive authority over particular areas of county government. These elected offices (sometimes called “row offices” because they occupy many rows on the ballot) might include sheriff, treasurer, county clerk, recorder of deeds, assessor, clerk of courts, coroner, district attorney, and others; the exact number of elected officials in a county depends on state law, county ordinances, local preference, and historical custom. Generally speaking, fewer row officers are elected under the council-executive form than under

³⁹ Herbert Sydney Duncombe, “Organization of County Governments,” in *Forms of Local Government*, ed. Roger L. Kemp (Jefferson, NC: McFarland & Company, 1999), 102.

⁴⁰ David Kenney and Barbara L. Brown, *Basic Illinois Government: A Systematic Explanation*, 3d ed. (Carbondale, IL: Southern Illinois University Press, 1993), 144.

⁴¹ Duncombe, 105-106.

⁴² Duncombe, 104-105.

the commission form, but very few counties have done away with them altogether. With the exception of creating or approving departmental budgets, county boards and county executives and administrators usually have no authority over row officers.⁴³

One of the tools to which some counties have turned in order to cope with increased demands for services is home rule. Available in 37 of the 48 states with functioning county governments, home rule redefines the relative authority of state and local governments, by granting local governments greater autonomy over their own affairs.⁴⁴ The exercise of home rule falls into four general areas: structural, functional, fiscal, and personnel.⁴⁵ Structural home rule allows a county to redesign its form of government; functional home rule permits it to provide new services or change the way it provides existing services. A county with fiscal home rule has greater freedom to diversify its sources of revenue, by levying taxes or fees that would not be permitted otherwise. Personnel home rule gives counties the ability to eliminate out-of-date human resources procedures in favor of modern practices, including performance management and merit-based pay. States with home rule tend to give local governments the greatest flexibility in the areas of structural and functional reform and less flexibility in financial and personnel matters.

In most parts of the country, the vehicle by which counties establish home rule for themselves is a home rule charter. Essentially a mini-constitution for the county government, a home rule charter establishes the form of government and other rules under which the county will operate. Local governments in the other home rule states either choose from among several optional forms of government as set forth in state law or operate under more flexible home rule provisions (as is the case in Illinois).⁴⁶

The exercise of home rule falls into four general areas: structural, functional, fiscal, and personnel.

⁴³ Duncombe, 105, 109-112; Tanis J. Salant and Lawrence L. Martin, "County Constitutional Officers: A Preliminary Investigation," *State and Local Government Review*, 25, no. 3 (1993), 164-172.

⁴⁴ Cowan and Salant, 5.

⁴⁵ John Kincaid, "Overview of Local Governments," in *Forms of Local Government*, ed. Roger L. Kemp (Jefferson, NC: McFarland & Company, 1999), 9.

⁴⁶ Cowan and Salant, 3-5.

Structure and Functions of Cook County

In the few other Illinois counties that elect a county executive, he or she may not serve on the county board.

...Cook County is the only county in the state with an elected county assessor.

Cook County has “principal responsibility for the protection of persons and property, the provision of public health services and general governmental services, including among other the assessment, collection and distribution of property taxes for the 800 governmental units of Cook County and the maintenance of County highways.”⁴⁷ These are not the County’s only duties, however. The county also provides many municipal services to unincorporated areas, including police patrols, building and zoning regulations, and pollution control. In addition, the above definition does not indicate just how large the county’s public protection and public health services are: Cook County has the largest unified court system, the largest single-site jail, and the second-largest public health system in the nation.⁴⁸ The County Board and President also serve as the board of commissioners and president of the Forest Preserve District of Cook County.

Cook County falls into the council-executive category of county government, but with a unique variation: the county executive, the President of the Board, is allowed to hold office simultaneously as a commissioner. In the few other Illinois counties that elect a county executive, he or she may not serve on the county board. This dual executive-legislative role is also unique among the country’s largest counties.

Pursuant to the Illinois Constitution, Cook County, like all other Illinois counties, elects a sheriff, treasurer, and county clerk. In addition, state statutes mandate the election of a board of review, recorder of deeds, clerk of the circuit court, and state’s attorney. Furthermore, Cook County is the only county in the state with an elected county assessor. The Circuit Court of Cook County is a branch of the state judicial system but is funded by the county government; similarly, the county also funds the state’s attorney’s and public administrator’s offices. Part of the Chicago Board of Election Commissioners’ funding is provided by the County, in exchange for conducting elections in the city of Chicago. The County Board and President must approve those independently elected officials’ budgets but have no other executive authority over the independently elected officials.

Most of the county departments under the President are organized into six bureaus, each headed by a bureau chief who reports directly to the President. They are:

⁴⁷ Cook County, *2003 Executive Budget Recommendation*, vol. 1 (Chicago: Cook County, 2003), i.

⁴⁸ Office of the Secretary to the Board.

- Bureau of Finance
- Bureau of Administration
- Bureau of Human Resources
- Bureau of Health Services
- Bureau of Public Safety/Judicial Coordination
- Bureau of Information Technology and Automation

Aside from the bureau structure, there are several additional offices under the President's direct administration: the Department of Capital Planning and Policy, the Auditor, the Inspector General, and the Department of Human Rights, Ethics, and Women's Issues.

SECTION 2

COUNTY STRUCTURE

INTRODUCTION TO COUNTY STRUCTURE

Since ancient times when men first began to analyze organizational principles, the validity of the principle of single executive authority and accountability has been tested time and time again. There are few or no instances of an army being commanded by five generals all sharing the same authority, a warship being commanded by five captains, or a corporation being directed by five presidents--and for good reason. Shared accountability almost always results in finger-pointing and avoidance of accountability.⁴⁹

—Citizens' Economy and Efficiency Committee
of Los Angeles County, California, 1974

One of Cook County's major problems is that the buck stops nowhere. In other words, responsibility for the activities of government is scattered among so many different offices and elected officials that it is extremely difficult to know exactly who is responsible for what. This frustrates citizens, who often must wade through yards of red tape before finding the office and persons in charge of a particular issue. It also leads to inefficient government, since there is no one office able to coordinate the entire system, minimize duplication of services, and achieve economies of scale. The County Board and President, who might be expected to take on the responsibility of coordinating County government, have limited authority to supervise the independently elected officials.

At present, Cook County elects 28 officials—17 commissioners, a board president, county clerk, treasurer, assessor, recorder of deeds, sheriff, state's attorney, clerk of the circuit court, and three Board of Review members. The sheer number of officials makes it nearly impossible at election time for voters to consider each race carefully. The news media does not provide sufficient pre-election coverage of many of these races, either. Of course, citizens should not be excused from their civic duty to inform themselves before voting, but neither should an unnecessarily complex governing structure be maintained without sufficient justification.

Furthermore, most of the independently elected offices are charged with administrative duties rather than policy development. As a result, elections for these offices rarely capture voters' attention. "It is very difficult to create issues about an office that has no policy-

⁴⁹ Citizens' Economy and Efficiency Committee of Los Angeles County, "County Chief Executive and Size of the Board of Supervisors," Citizens' Economy and Efficiency Committee of Los Angeles County, <http://eec.co.la.ca.us/pubfiles/cntyorg/7407-ceo.htm>.

making functions,” notes political science professor Paul Green.⁵⁰ Furthermore, in a system with many elected offices, the benefits of additional representation are far outweighed by the costs of poor coordination and fragmented authority. The county’s convoluted property tax system—involving no fewer than four elected officials and one presidential appointee—illustrates the problem. In fact, there is perhaps a greater risk of unskilled administration with an elected county official—who might have no topical experience or management background—than with an appointed administrator, who presumably would be selected on the basis of merit and appropriate experience.

Naturally, no official is eager to embrace reforms that will reduce his/her office’s authority or budget, even if such changes were in the interest of the county government at large. From time to time, however, certain officeholders have acknowledged the need for structural change. For example, during his service as Cook County Recorder of Deeds, current Illinois Secretary of State Jesse White advocated making the office an appointed rather than an elected official. “This is an administrative function,” he told the *Chicago Sun-Times*. Then-Board Finance Chairman John Stroger also lent his support to the idea, saying that “There is nothing wrong with it being an appointed position.”⁵¹

Appointment of officials mostly addresses the issue of accountability, whereas creation of a more efficient government depends more on streamlining the existing structure. Therefore, this report recommends transferring certain responsibilities as well as consolidating some offices. Duplication of effort, wasted resources, and general inefficiency is built into a system that has two offices performing similar tasks or a particular task divided among multiple offices. A more rational organization of County government does not guarantee greater efficiency, but inefficiency is not built into the system. Structural reforms create an environment much less likely to produce waste and duplication.

“It is very difficult to create issues about an office that has no policy-making functions,” notes political science professor Paul Green.

Duplication of effort, wasted resources, and general inefficiency is built into a system that has two offices performing similar tasks or a particular task divided among multiple offices.

⁵⁰ Quoted in Andrew Fegelman and William Presecky, “Bottom of Ballot, Where Even the Office is Unknown,” *Chicago Tribune*, February 27, 1996, 1.

⁵¹ Lou Ortiz, “White Elects to Have Post Be Appointed,” *Chicago Sun-Times*, 30 January 1993, 34.

Create an Office of Tax Administration that unites the property tax functions of the Assessor, Auditor, County Clerk, Treasurer, and Recorder of Deeds.

COURSE OF ACTION: County ordinance with referendum approval, or state legislation (see 55 ILCS 5/3-1, 5/3-2, 5/3-5, 5/3-10, and 35 ILCS 200/3-50).

FISCAL IMPACT: \$3 million annual savings. (See Appendix I for a discussion of the methodology used to make this estimate and the other estimates in this report.)

The County's present property tax system is a confusing maze of interlocking responsibilities that baffles taxpayers, operates inefficiently, and is largely unaccountable to citizens. Currently, property tax functions are spread over five different offices:

- The **recorder of deeds** is responsible for maintaining deeds and other records of property ownership.
- The **assessor** is responsible for determining the value of property.
- The **county clerk** maintains the county's tax parcel maps and legal boundary descriptions, computes tax rates based on the levies submitted by units of local government, collects delinquent property taxes, and redeems properties that have been sold or forfeited for failure to pay property taxes.
- The **treasurer** mails property tax bills, collects the taxes, and distributes the proceeds to units of local government.
- The **auditor** maintains a list of all tax-delinquent properties.

With this degree of fragmentation, it is no surprise that it can take taxpayers many hours and multiple visits to various offices on different floors of the County Building to learn the answers to their property tax questions.

A new Office of Tax Administration should be formed through a consolidation of the offices of assessor and treasurer in their entirety, the county clerk's tax extension, tax redemption, and map divisions, the part of the recorder of deeds' office that deals with property records, and the auditor's property functions. Because there are policy decisions involved in the property taxation process, an elected Tax Administrator should head the office.

There are numerous potential benefits of consolidation. First, a single tax office would make things far simpler for taxpayers. At present, so many different offices are involved in the property tax process that citizens often don't know where to go for help. The confusion at present is so great that numerous property owners (quite often senior citizens) lose their homes for failure to pay property taxes because of a mix-up somewhere in the system that they have no idea how to fix.

For example, the *Chicago Tribune* reported in 2000 on the case of Willie Weeks, a 64-year-old widow who nearly lost her

Evanston home because of a clerical error made by a County worker in 1996:

The mistake was a two-digit change in the number that identifies Weeks' property that had her suddenly and unknowingly paying her neighbor's property tax bill instead of her own. Meanwhile, taxes on her own home went unpaid, and she was never notified. In 1998, her \$4,100 in delinquent taxes were sold at a scavenger sale.⁵²

It took the special intervention of a state representative, the state's attorney, and county treasurer to rectify the situation and allow Mrs. Weeks to keep her home. "...Weeks' ordeal," reporter Cornelia Grumman wrote, "...illustrates how Cook County's tax system centers around a tough-beans philosophy of law that says ignorance of the rules is no excuse."⁵³ Mrs. Weeks' case is just one among many. Too many people are faced with these difficult situations simply because the current property tax system is so incomprehensible.

A second benefit arising from consolidation is greater efficiency. Several studies indicate that a greater number of independent offices hampers government efficiency, effectiveness, and responsiveness to citizens.⁵⁴ At present, property records must be kept in several offices simultaneously and property data updates are not always shared between offices. Time and energy must be expended in order to transfer such information from office to office, when transfers do occur (and many routine matters undoubtedly require frequent communication). Consolidation would create greater efficiency in staffing and record keeping, saving money on both personnel and information systems and reducing lengthy processing.

The County has already taken some steps towards integration by consolidating taxpayer support services of the Assessor, County Clerk, Treasurer, Recorder, and Board of Review in suburban courthouses. "By cross-training employees in these offices, overall staffing can be decreased," according to the 2001 report of the County Operations Review Team.⁵⁵

The final benefit to consolidation is accountability. Right now, with four elected officials and one appointed official involved with the property tax process, no one is in charge of the overall operation of the system. Following consolidation, there will be no uncertainty: the Tax Administrator will bear complete responsibility.

"...Cook County's tax system centers around a tough-beans philosophy of law that says ignorance of the rules is no excuse."

—Reporter Cornelia Grumman, *Chicago Tribune*

⁵² Cornelia Grumman, "Human Error Leads to Tax Nightmare," *Chicago Tribune*, January 19, 2000.

⁵³ Grumman, "Human Error."

⁵⁴ J. Edwin Benton, *Counties as Service Delivery Agents: Changing Expectations and Roles* (Westport, CT: Praeger, 2002).

⁵⁵ County Operations Review Team, "Opportunities for Cost Savings" (Chicago: Office of the Cook County Board President, July 31, 2001), 11.

“The service to the public which results from the [present assessment] procedure...is in many respects extremely unsatisfactory and involves an enormous amount of waste.”

— Chicago Bureau of Public Efficiency, 1917

The idea of creating a single office to handle all property tax-related tasks has a long and distinguished pedigree. Criticism of the county’s property tax system began at least as early as 1917, when the Bureau of Public Efficiency, a good-government group active in the early years of the 20th century, wrote, “The service to the public which results from the [present assessment] procedure...is in many respects extremely unsatisfactory and involves an enormous amount of waste.”⁵⁶ In 1959, the Civic Federation revived the proposal and has been advocating for it ever since.

Kevin Forde, author of a 1969 report published by the Loyola University Center for Research in Urban Government, again proposed a single property tax office, pointing out that “[i]n addition to the obvious economies resulting from a consolidation, the public would enjoy the convenience of dealing with just one office in its tax matters.”⁵⁷ This reform was again proposed by the county’s own Home Rule Study Commission in 1976 and the county’s Revenue Study Committee in 1988.

Several large counties recently merged positions to streamline the property recordkeeping, assessment, and tax collection processes. Lancaster County, Nebraska (home to Lincoln), merged the register of deeds’ office with the assessor’s office in January 2003. This was done to streamline the process of recording land transactions (previously data would have to be entered three times) and to improve citizen access to records.⁵⁸ Summit County, Ohio (home of Akron) created a new “County Fiscal Officer” in 2002 by merging the treasurer’s and county auditor’s offices. Formerly the treasurer collected taxes while the auditor appraised property, paid bills, and recorded real estate documents (the auditor had assumed the duties of the county recorder in a 1997 merger). The new post is an elected position, with auditor, treasurer, and recorder divisions under it.⁵⁹

In order to create a simpler, more efficient, more accountable system of property assessment, taxation, and collection, the County should establish an Office of Tax Administration, combining the Assessor, Treasurer, and certain functions of the Recorder of Deeds, County Clerk, and Auditor.

⁵⁶ Chicago Bureau of Public Efficiency, “Unification of Local Government in Chicago” (Chicago: Chicago Bureau of Public Efficiency, January 1917), 33.

⁵⁷ Kevin M. Forde, “The Government of Cook County: A Study in Governmental Obsolescence” (Chicago: Loyola University Center for Research in Urban Government, 1969), 32-33.

⁵⁸ Julie Anderson, “Merger Plans for Deeds Office to be Discussed,” *Omaha World-Herald*, September 20, 2001, 3B.

⁵⁹ Summit County (OH), “Summit County Fiscal Office,” Summit County, <http://www.co.summit.oh.us/fiscaloffice/index.htm>; Martin Stolz, “Merger of Treasurer, Auditor Sought,” *Cleveland Plain Dealer*, May 8, 2001, 3B.

Merge the offices of County Clerk and Recorder of Deeds.

Both the County Clerk and the Recorder of Deeds are charged with maintaining public records of various kinds. However, if the other recommendations in this report are enacted, the County Clerk and Recorder of Deeds will be responsible for maintaining only a few types of records. The County Clerk's office will retain the Vital Statistics, Licenses, and Registration Division, responsible for birth, death, marriage, domestic partnership, notary public, and assumed business name certificates, and the Ethics and Campaign Disclosure Division, which handles financial statements of government employees and candidates for office and registers county lobbyists. The Recorder will be responsible for maintaining just a few types of legal documents, such as business incorporations and dissolutions, military discharges, and some wills. The similarity between the offices' remaining functions—for example, assumed business name registration in the Clerk's office and business incorporations and dissolutions in the Recorder's office—makes the two offices perfect candidates for consolidation.

A combined clerk-recorder is not uncommon either in Illinois or elsewhere in the nation. In fact, most counties in Illinois have a clerk who also serves as recorder; under state law, "The county clerk in counties having a population of less than 60,000 inhabitants shall be the recorder in his county."⁶⁰ Only in the largest two dozen or so counties do voters elect both a clerk and a recorder.

Despite Cook County's large population, a clerk-recorder combination could be implemented here, as it has been in many large metropolitan counties around the country, including:

- Los Angeles County, California, the nation's largest county. The registrar-recorder/county clerk is an appointive position, formed by the merger of the registrar of voters and county recorder in 1968 and further merger with the county clerk in 1991.⁶¹
- Orange County, California. The clerk-recorder is elected; clerk's and recorder's offices were merged in 1995.
- San Diego County, California. Voters elect an assessor-clerk-recorder.⁶²

COURSE OF ACTION: County ordinance with referendum approval, or state legislation (see 55 ILCS 5/3-5001).

FISCAL IMPACT: \$616,000 annual savings.

⁶⁰ Illinois, *Counties Code*, 55 ILCS 5/3-5001.

⁶¹ County of Los Angeles Registrar-Recorder/County Clerk, "Department Overview," Los Angeles County, http://lavote.net/general/dept_ov.htm.

⁶² County of San Diego (CA), "Gregory J. Smith—Assessor/Recorder/County Clerk," County of San Diego, http://www.sdcountry.ca.gov/arcc/arcc_home.html.

A combined clerk-recorder is not uncommon either in Illinois or elsewhere in the nation.

- Oakland County, Michigan, a large suburban county near Detroit. The offices of county clerk and recorder of deeds were merged in 1958; the combined position remains elective.⁶³
- Multnomah County, Oregon. Portland's county does not elect an assessor, treasurer, county clerk, or recorder of deeds. Instead, a Division of Assessment and Taxation not only handles property records, assessment, and taxation, but also marriage licenses and domestic partnership registration. The division is part of the Department of Business and Community Services.

County clerk and recorder duties are part of the clerk of the circuit court's office in Florida counties; similarly, in New York, county clerks also serve as clerks of court and perform the duties usually associated with the recorder of deeds. In other words, a combined clerk-recorder position is far from unusual among the nation's largest counties.

Cook County should merge its two recordkeeping offices, the County Clerk and the Recorder of Deeds, into one office.

⁶³ Oakland County (MI), "About the Clerk/Register of Deeds Office," Oakland County, <http://www.co.oakland.mi.us/clerkrod/about/>.

Allow the judiciary to appoint the Clerk of the Circuit Court.

Currently, the Clerk of the Circuit Court is an elected position, but there is little reason for the Clerk of the Circuit Court to continue to be elected. The Illinois Supreme Court and the state Appellate Courts appoint their clerks; if elected court clerks were truly necessary, we would be electing them on the state level. The duties of court clerks are almost entirely administrative in nature; they make very little public policy. Furthermore, because the position of circuit clerk is filled through a partisan election, injecting an unnecessary political note into a theoretically nonpartisan judicial system. Appointing rather than electing the circuit clerk has the added benefit of freeing the clerk from fundraising and campaigning. He or she will be able to concentrate fully on running the courts. The Illinois Supreme Court and appellate courts recognize these facts and consequently appoint their clerks. For the same reason, the judges of Cook County—who rely on the services provided by the clerk—should be allowed to fill the position by appointment.

A blue-ribbon panel appointed by the Illinois Supreme Court in the early 1990s to study the state's judicial system suggested that circuit court clerks throughout the state be appointed. "[T]here is no good administrative reason for electing the Circuit Court Clerk," the Special Commission on the Administration of Justice stated in its 1993 report.⁶⁴

Officials in two neighboring states have also favored appointment of court clerks. A 1996 report by a Missouri state commission studying judicial system reform proposed appointed clerks for all of the state's circuit courts, citing a need for skilled, professional administrators chosen by judges, who know what specific services the courts require and are in a position to evaluate a clerk's performance.⁶⁵ The former chief of Wisconsin's most populous county also supports appointment of court clerks. "When I was Milwaukee County Executive," writes David Schulz, now a professor at Northwestern University, "I thought this [appointment of the clerk of the circuit court] was the single best initiative to improve court administration." Elaborating further, he says, "What the justice system needs is a professional manager, accountable to the judiciary,

COURSE OF ACTION: County ordinance with referendum approval, or state legislation (see 705 ILCS 105/1).

FISCAL IMPACT: Negligible.

"When I was Milwaukee County Executive, I thought this [appointment of the clerk of the circuit court] was the single best initiative to improve court administration."

—David Schulz, Milwaukee County Executive, 1988-92

⁶⁴ Quoted in Jan Crawford, "Report Urges Watchdog for State's Court System," *Chicago Tribune*, December 21, 1993.

⁶⁵ Quoted in James R. Dowd, "Should Circuit Clerk Be Elected or Appointed?: Court Supervision Would Set Standards, Prevent Violations of Public Trust," editorial, *St. Louis Post-Dispatch*, June 13, 1996, 13B.

who can assist the judges in managing the large and complex issues of the Cook County courts. This is not a 'desirable' qualification, but an absolutely necessary one."⁶⁶

Cook County should emulate the state Supreme Court and appellate courts and allow the judges of the Circuit Court to appoint the Clerk of the Circuit Court.

⁶⁶ David Schulz, e-mail messages to author, October 2-3, 2003.

Transfer responsibility for the County Law Library to the judiciary.

The County Law Library currently falls under the jurisdiction of the County Board President, because expenditures from the law library fund (which receives money from a document filing fee) must be approved by the County Board. In other counties, judges control disbursements from the library fund. Cook County should adopt this method of administration as well.

It makes far more sense for legal professionals to supervise the law library, given that they are the primary consumers of its services, than for it to remain under the President. A logical location for the law library would be the clerk of the circuit court's office, which already runs a number of other support services for the court system and collects the document filing fees which support the law library.

The County Law Library should be administered by legal professionals in the judicial branch.

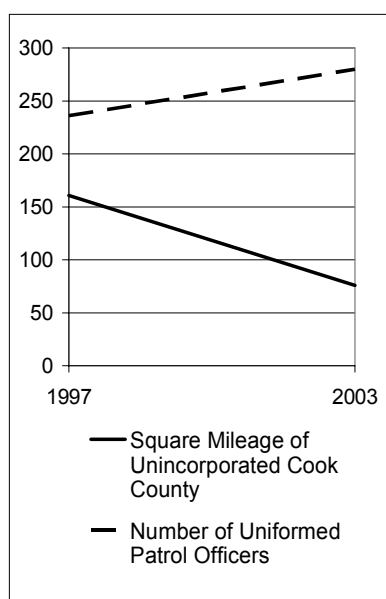
COURSE OF ACTION: State legislation. (see 55 ILCS 5/5-39001)

FISCAL IMPACT: Negligible.

Dissolve the Sheriff's Police Department and transfer patrol duties in unincorporated Cook County to adjacent municipalities.

COURSE OF ACTION: County ordinance with referendum approval, or state legislation (see 55 ILCS 5/3-7001).

FISCAL IMPACT: \$24.4 million annual savings.



Since 1990, the number of appropriated positions for the Cook County Sheriff's Office has increased by 28 percent, from 5,101 in 1990 to 6,519 in 2003.⁶⁷ While staffing has increased, the jurisdiction of the Sheriff's Office has diminished in size, the patrol area population has decreased, and the total number of crimes has fallen.

Unincorporated Cook County is the Sheriff's patrol jurisdiction. Over the past six years, the patrol area of the Cook County Sheriff's Office has decreased by 53 percent.⁶⁸ Moreover, the population of unincorporated Cook has also decreased by 55 percent since 1990. Their patrol area population now stands at only 109,300.⁶⁹

In spite of a decreasing patrol area, and a decreased population, the Sheriff's Uniformed Patrol Division has *increased* its patrol positions (see chart at left). Total positions in the Sheriff's Uniformed Patrol Division have increased from 149 in 1991 to 280 in Fiscal Year 2003.⁷⁰ According to the Cook County Bureau of Administration, "...the increase in patrol positions does not correspond with trends in population and square miles in unincorporated Cook County, nor with recent trends in serious crime...."⁷¹ The number of patrol officers per square mile of unincorporated Cook County increased from 1.1 patrol officers in 1993 to 3.7 patrol officers in 2000; an increase of 236 percent.⁷² In addition, the ratio of total patrol officers per 10,000 unincorporated population also increased from 11.3 patrol officers per 10,000 residents in 1991 to 21.7 per 10,000 residents, based on census figures from the 2000 Census; an increase of 94 percent.⁷³

⁶⁷ County Operations Review Team; Cook County, *2001 Annual Appropriation Bill* (Chicago: Cook County, 2001).

⁶⁸ The patrol area of the Cook County Sheriff's Office is unincorporated Cook County minus the square mileage of the unincorporated Forest Preserve District. In 1997, the square mileage was approximately 160.66; in 2001, the square mileage was approximately 75.66. Mileage numbers are from the 1997 Land Use Plan; Cook County Highway Department, and Cook County Forest Preserve District.

⁶⁹ U.S. Census 2000.

⁷⁰ Cook County Bureau of Administration, report (Chicago: Cook County, 2000).

⁷¹ Cook County Bureau of Administration.

⁷² Cook County Bureau of Administration.

⁷³ Cook County Bureau of Administration.

Based on figures presented in the Fiscal Year 1991 and Fiscal Year 2003 Cook County Annual Appropriation Bills and current population statistics, the ratio of uniformed patrol officers per 10,000 residents of unincorporated Cook County has further increased to 25.67 uniformed patrol officers per 10,000 residents; an increase of 127 percent since 1991.⁷⁴ In addition, the number of officers per square mile of unincorporated Cook County has increased in the last five years alone from 1.5 officers in 1997 to 3.7 in 2003; an increase of 152 percent.⁷⁵

Statistics show that as the patrol area of the Cook County Sheriff's Office—unincorporated Cook County—has decreased in size, the number of Sheriff's appropriated uniformed patrol positions continues to increase. The reason for this is unclear. While calls for service *may* have increased in unincorporated Cook County, that does not justify the continued increase of allocations and staff dedicated towards patrolling. Greater efficiencies would still result after a greater utilization of local municipalities and/or annexation of unincorporated Cook by local municipalities. The county should pursue annexation of unincorporated Cook County to local municipalities to alleviate its associated patrol costs.

If local municipalities were unwilling to undergo annexation of unincorporated Cook County, cost savings could still result from payment to local governments. At present, the County spends \$446.82 per capita (unincorporated population only) to provide police services to unincorporated Cook County. The average cost in nine selected Cook municipalities (Chicago, Evanston, Oak Park, Skokie, Des Plaines, Palatine, Schaumburg, Park Ridge, and Mount Prospect) was \$223.18 per capita. This means that if the county were to pay municipalities at that latter rate to provide police services to unincorporated areas, the County would save \$24.4 million annually.

The County should transfer the Sheriff's policing functions to local municipalities, for reasons of efficiency and accountability.

“...the increase in patrol positions does not correspond with trends in population and square miles in unincorporated Cook County, nor with recent trends in serious crime....”
—Cook County Bureau of Administration, 2000

⁷⁴ Current ratio based on appropriated uniformed patrol positions in the FY2001 Cook County Annual Appropriation Bill and U.S. Census 2000 unincorporated population figures.

⁷⁵ Figure based on square mileage provided by 1997 Comprehensive Land Use Plan and Cook County Highway Department; staffing numbers based on FY1997 and FY2001 Cook County Annual Appropriation Bill.

Transfer the Sheriff's custodial duties to the Department of Facilities Management and consider privatization.

COURSE OF ACTION: County ordinance, or state legislation (see 55 ILCS 5/3-6017)

FISCAL IMPACT: Possible future cost savings if privatized. See *Reinventing Cook County, Part II*.

As a law enforcement official, the Sheriff should not be responsible for ordinary custodial work.

As the office of sheriff developed over the centuries in England, maintenance of the county courthouse was established as one of the office's many duties. That role survived to the modern era and has even been enshrined in state law: by Illinois state statute, the custody and care of the courthouse are under the jurisdiction of the sheriff. Further, the sheriff has the power to employ custodial personnel.

Due to these statutes, Sheriff's personnel must clean all courthouses, as well as the County Building (118 N. Clark Street), which is technically a courthouse (the Marriage Court is located on the lower level). If a statutory change is not forthcoming, a relocation of that office would allow for transfer of custodial duties.

In 1946, the Cook County Board sought to organize the county's custodial services more rationally by transferring the sheriff's custodial duties to the county maintenance department. However, the Illinois Supreme Court invalidated the move as an unconstitutional alteration of the sheriff's traditional, common-law functions.⁷⁶ Fortunately, the 1970 constitution made it possible to alter a county officer's traditional powers by state statute or county ordinance.⁷⁷ However, the Board has not reassigned the sheriff's custodial duties to another, more appropriate department, despite the fact that such a move has been constitutional for more than thirty years. Is it any wonder that people criticize the County for being hopelessly spendthrift?

As a law enforcement official, the Sheriff should not be responsible for ordinary custodial work; the Department of Facilities Management should assume the sheriff's custodial duties. This reform will also free the sheriff's office of a non-essential function, allowing it to focus on its core law enforcement duties. The Department of Facilities Management could then perform the custodial services in-house or privatize the functions, yielding potential cost savings to the county.

The Sheriff's should transfer its non-law-enforcement custodial duties to the Department of Facilities Management and consider privatization of those services.

⁷⁶ People ex. rel. Walsh v. Board of Commissioners of Cook County, 397 Ill. 293, 74 N.E.2d 503 (1947).

⁷⁷ Illinois Constitution, art. 7, sec. 4d.

Transfer the Sheriff's Department of Corrections to the Bureau of Public Safety/Judicial Administration.

Law enforcement and corrections have very different missions. Law enforcement is concerned with the investigation of crimes and the apprehension of those responsible, while corrections deals with the detention of accused criminals prior to trial (the jail function) and the incarceration and rehabilitation of those convicted of crimes (the prison function). Enforcement and corrections should be separated, and corrections should be brought under the jurisdiction of the President.

As the League of Women Voters said in a 1973 report on Cook County government:

Those interested in corrections believe that when the law enforcement and corrections aspects are combined under a single administrative agency, the resultant effect on corrections is an emphasis on its security role over that of rehabilitation. They argue that when corrections and law enforcement are administered separately, the rehabilitation aspect has a greater opportunity to develop and become effective.⁷⁸

Separating corrections from law enforcement is not unheard of in Illinois; in fact, the State itself split the Illinois Department of Public Safety into a Department of Corrections and a Department of Law Enforcement (now known as the Illinois State Police) in 1970.⁷⁹

The recent allegations of excessive force by Cook County Sheriff's correctional officers are merely the latest in a long line of scandals to engulf the Sheriff's office, and they underscore the need to separate corrections from law enforcement.

There are additional reasons why corrections should be an executive agency under the President. Proponents of the sheriff retaining control of corrections argue that he is accountable to the voters every four years, whereas the head of a corrections department under the President would not be directly accountable to voters. However, this argument misses another issue: to whom is the sheriff accountable during his four-year term of office? No one (except for

COURSE OF ACTION: County ordinance, or state legislation (see 55 ILCS 5/3-15).

FISCAL IMPACT: Negligible.

"Those interested in corrections believe that when the law enforcement and corrections aspects are combined under a single administrative agency, the resultant effect on corrections is an emphasis on its security role over that of rehabilitation."

—League of Women Voters of Cook County, 1973

⁷⁸ League of Women Voters of Cook County, "Cook County Government: The Inter-relationship of Its Offices" (Chicago: League of Women Voters of Cook County, 1973), 40.

⁷⁹ Arvid Hammers, "Walker's Chance to Rearrange State Government to His Liking," *Illinois Issues* 1, no. 3 (March 1975), <http://www.lib.niu.edu/ipo/ii750385.html>.

*To whom is the
sheriff accountable
during his four-year
term of office?*

the Board and President on matters related to the budget). In contrast, an independent corrections department under the President would have to answer to the President himself as well as the Board of Commissioners between elections, at which time voters can pass judgment on the president and board members. Furthermore, because the Board is responsible for paying the costly settlements of jail-related lawsuits, it is only logical that the Board should control the corrections policies that may be responsible in part for provoking legal action.

The Department of Corrections should be removed from the Sheriff's office and established as a department within the Bureau of Public Safety/Judicial Coordination under the President.

SECTION 3

NEIGHBORING GOVERNMENTS

Dissolve Cook County townships and transfer their duties to other units of government.

COURSE OF ACTION:

Individual township referenda, or constitutional amendment (see Art. 7, Sect. 5).

FISCAL IMPACT:

Undetermined.

Nor do townships exist in any of the state's 17 commission counties, which nonetheless seem to function adequately.

Township collectors no longer serve any function whatsoever—a court ruling stripped them of their tax collection duties—but many townships continue to elect a collector and some even pay him or her a small salary.

Cook County is almost completely urbanized—a mere 0.09 percent of the population lives in rural areas as defined by the U.S. Census Bureau. Why, then, do thirty township governments—which were a 19th century invention for governing rural areas—continue to exist in the very urban Cook County? Township governments are outdated and unnecessary. A transfer of their duties to other units of government would simplify the overall organization of government in the county and most likely save taxpayers money.

The original rationale for township government was that it brought government closer to the people. This was true during much of the 19th century, when a trip to the county seat might require a day-long journey. With the advent of the automobile and communication technologies, however, contacting county government takes far less time—hours, if not minutes. Furthermore, the county has very little unincorporated land left and little need for townships to govern those areas.

Cook County actually abandoned the township form of government in 1870, when a new state constitution establishing a 15-member board for Cook County was promulgated, yet the townships themselves continued to exist. Over time, however, as the county became more and more urban and the amount of unincorporated land continued to shrink, there was less and less of a justification for retaining this system.

The eight townships located within the borders of Chicago have ceased to exist, although the County Assessor continues to use them as a unit of geography for assessment purposes. Some Cook townships have precisely the same borders as a municipality—Evanston is one example—meaning that two general purpose governments serve precisely the same area. Nor do townships exist in any of the state's 17 commission counties, which nonetheless seem to function adequately.

Townships traditionally provide three services: welfare assistance, road and bridge maintenance, and property assessment. In Cook County, these services can easily be performed (or are already being performed) by other units of government. For example, property assessment is performed by the County Assessor rather than individual assessors, as is the case in the state's other township counties; in Cook, township assessors function merely as ombudsmen,

providing assistance and advice to taxpayers. Many county townships pay their assessors—the vast majority of whom work part-time—upwards of \$20,000 a year. Assisting property owners is an important function, but by itself cannot justify the retention of an outdated system of government. In contrast, township collectors no longer serve any function whatsoever—a court ruling stripped them of their tax collection duties—but many townships continue to elect a collector and some even pay him or her a small salary (\$100-\$1,000 per year).⁸⁰ The obscure position of township school treasurer also continues to exist, but only in Cook County. The state abolished the office in Illinois' other 101 counties over forty years ago. Cook County Clerk David Orr believes the office of township school treasurer does not receive enough oversight and has called for its elimination.⁸¹

Similarly, most roads and bridges within the county are maintained by municipalities, the county, or the state; therefore, townships' role in this area is very limited (indeed, a township only functions as a road district and elects a township highway commissioner if it has more than four miles of road in unincorporated areas).⁸² Townships do continue to provide general assistance to people in need, and some have taken on additional roles, such as operating public health clinics. The services that townships provide are important, but they could be carried out easily by other units of government—many of which already provide the very same services.

In addition, many townships incur incredibly high overhead as they carry out their functions. A series of Associated Press articles published in 2000 found that for every \$1 in services provided, Illinois townships spent nearly the same amount on salaries and administration. "That's about double the overhead paid by other local governments," the AP reporters noted.⁸³ There are some striking examples of this problem from Cook County townships. For example, Thornton Township employed nine workers to maintain 10 miles of roads, according to the AP series; another reporter found that Thornton spent \$525,000 to hand out \$220,000 in general assistance grants during the 1999-2000 fiscal year.⁸⁴ Similarly, in Palos and Orland townships, the cost of administering general assistance grants

The obscure position of township school treasurer also continues to exist, but only in Cook County. The state abolished the office in Illinois' other 101 counties over forty years ago.

A series of Associated Press articles published in 2000 found that for every \$1 in services provided, Illinois townships spent nearly the same amount on salaries and administration.

⁸⁰ Kristin Szremski, "Some See Townships as Unneeded," *Will County News*, http://www.imakenews.com/willcountynews/e_article000003531.cfm. Reprinted from Star Newspapers.

⁸¹ Tim Novak, "Mystery Cash Eases Retirement," *Chicago Sun-Times*, April 9, 2003.

⁸² Illinois, *Highway Code*, 605 ILCS 5/6-130.

⁸³ John Kelly and Christopher Wills, "Weighing Townships' Pros, Cons; Township Governments Can Be Inefficient, But Few Are Noticing," *The Pantagraph* (Bloomington, IL), December 20, 2000.

⁸⁴ Kelly and Wills; Szremski.

exceeded the amount of the grants themselves by 340 percent and 320 percent, respectively.⁸⁵

Cook County should make local government simpler and more efficient by dissolving all townships within the County and transferring their duties to the County or other units of local government.

⁸⁵ Szremski.

Merge the Chicago Board of Election Commissioners and the Cook County Clerk's Election Department.

Administration of elections is one of several government functions currently divided between the City of Chicago and Cook County. In the late 1800s, reformers thought that a bipartisan board of election commissioners appointed by county judges would be immune to corruption and political pressures. In 1885, acting on this belief, the state enacted legislation permitting qualified municipalities to establish three-member boards of election commissioners to oversee the electoral process; two members were to come from one of the state's two largest parties, and one member from the other. Chicago voters adopted the new system by referendum in November of that year.⁸⁶ Ever since, the board has administered elections within Chicago (and for a time, in several other cities as well), and the county clerk has conducted elections in suburban Cook County.

Of course, even with the Board in place, electoral corruption was not eliminated in Chicago; indeed, it continued well into the 20th century. At times, the election board itself has been at the center of political controversy, which is precisely what the reformers who proposed the board had hoped to avoid. Therefore, given that the rationale for separate city election boards no longer exists, the existing arrangement can no longer be justified.

This divided system could be reformed in several different ways. One would be to eliminate the Chicago Board of Election Commissioners and transfer its responsibilities to the County Clerk's Election Department. This type of merger took place in Springfield and Sangamon County in 1996, when Springfield voters abolished the city commission and transferred its responsibilities to the Sangamon County Clerk's office.⁸⁷ Consolidation in one form or another has also been proposed for Peoria and Peoria County, Bloomington and McLean County, and Rockford and Winnebago County.⁸⁸ Four other Illinois cities have boards of election commissioners (Galesburg, East

COURSE OF ACTION: State legislation (see 10 ILCS 5/5, 5/6, and 5/6A).

FISCAL IMPACT: \$742,000 annual savings to County.

There was an attempt made in 1967 to combine the Chicago and Cook County election offices into a countywide commission, but it was vetoed by then-Gov. Otto Kerner.

⁸⁶ Citizens' Association of Chicago, *Annual Report of the Citizens' Association of Chicago* (Chicago: Citizens' Association of Chicago, October 1886), 4-5.

⁸⁷ Lisa Kernek, "Yeager, Moseley Plan to Pursue County Election Commission," *State Journal-Register* (Springfield, IL), November 7, 1996.

⁸⁸ "Renew Talks of Combining Election Task in One Office" [editorial], *The Pantagraph* (Bloomington, IL), November 3, 2002, C2; Charlene M. Stanford, "Separate Commissions Assure Nonpartisanship," *The Pantagraph* (Bloomington, IL), July 8, 2001, C1.

A bill to allow countywide election commissions passed the General Assembly and was signed by the governor in 1973.

St. Louis, Aurora, and Danville), but a newspaper database search found no records of reform efforts in those four communities.

Because the Chicago Board of Election Commissioners and the county clerk's Election Department are responsible for almost equal numbers of precincts and residents,⁸⁹ neither stands out as the obvious choice to absorb the responsibilities of the other. The best solution would be the establishment of a new countywide board of election commissioners appointed through an open process. An advisory committee with representation from a wide array of groups and organizations should be created to offer input on the selection process.

This model preserves the principle of bipartisanship currently at work in the city system, but establishes a single unit of government—the county—as the provider of election administration. State legislators attempted in 1967 to combine the Chicago and Cook County election offices into a countywide commission, but the measure was vetoed by then-Gov. Otto Kerner.⁹⁰ However, a bill to allow countywide election commissions (in counties in which no municipality has a board of election commissioners) passed the General Assembly and was signed by the governor in 1973. The following year, DuPage County became the first—and to date, only—county to take advantage of that option.⁹¹ **Cook County should join its neighbor and turn the administration of elections throughout the county over to a countywide board of election commissioners.**

⁸⁹ City of Chicago, "Chicago Fact Book: Governance," City of Chicago, <http://www.ci.chi.il.us/PlanAndDevelop/ChgoFacts/Gov.html>; City of Chicago, "Chicago Fact Book: Demographics," City of Chicago, <http://www.ci.chi.il.us/PlanAndDevelop/ChgoFacts/Demo.html>; Cook County Election Department, "Election Totals Transmitted Faster Than Ever," news release, Cook County, April 3, 2003, <http://www.voterinfonet.com/news/Fastresults.html>.

⁹⁰ "Modernize Election Machinery," editorial, *Chicago Sun-Times*, March 20, 1967.

⁹¹ DuPage County Election Commission, "About the DuPage County Election Commission," DuPage County, <http://www.dupageelections.com/about.asp>.

Absorb municipal health clinics into the Cook County Department of Public Health.

Public health is environmental health. Like most environmental problems, a public health problem—be it SARS or West Nile virus—can cross political borders with ease. It seems logical, then, that an agency responsible for local public health in a metropolitan area would have a geographic reach extending across many municipalities. To some extent, this is the present situation in Cook County: the Bureau of Health serves the whole county, except for those communities which have their own state-recognized health departments: Chicago, Evanston, Skokie, Stickney Township, and Oak Park (where, ironically, the County Department of Public Health is headquartered). In addition, Cook County operates a network of health care clinics and hospitals throughout the county.

Clinics provide a point of entry into the County's health services system. It would seem logical for the County to absorb the health care functions of the City of Chicago Department of Public Health and neighboring municipalities (i.e. operation of city clinics, affiliated clinics, mental health clinics, and affiliated mental health centers.). The local departments of public health would then be able to focus on the administration of programming, education, inspections, and facility licensing.

The City of Chicago Department of Public Health administers programs dealing with specific health problems, inspects food, meat, and dairy products sold in the city, and licenses the city's medical and health care facilities. In addition, it operates 30 city clinics, including five comprehensive clinics, two maternal/child clinics, one public health clinic, two public health outreach centers, six affiliated clinics, 13 mental health clinics, and one affiliated mental health center.

The Cook County Ambulatory and Community Health Network also provides comprehensive outpatient community health services to underserved residents and communities throughout the county. All of its 28 clinics provide preventive care, working to prevent disease, and 10 of its clinics provide primary care.

Consolidation of public health care is desirable for a number of reasons. First, the economies of scale of a combined department would save money. In addition, with a single agency there is no confusion as to which office is responsible for a certain service. Third, communication and coordination will improve.

COURSE OF ACTION:

Intergovernmental agreements, or state legislation (see 55 ILCS 5/5-25009).

FISCAL IMPACT:

Undetermined.

...[L]ocal departments of public health would...be able to focus on the administration of programming, education, inspections, and facility licensing.

A number of previous studies of this issue have concluded that the county would be best-served if a single entity were responsible for the provision of public health care.

A number of previous studies of this issue have concluded that the county would be best-served if a single entity were responsible for the provision of public health care. In 1990, the Chicago and Cook County Health Care Summit noted that “fragmentation of health services results in lack of continuity of care which promotes episodic, delayed or inappropriate use of health services” and proposed a countywide health council to coordinate and plan health care delivery in Chicago and Cook County.⁹² Three years later, the Metropolitan Planning Council released a report focused on public health in the county. Its first recommendation: “Establish a single, county-wide health authority to oversee both public health and health care activities in Cook County.”⁹³ The State of Illinois also went on record in the late 1980s in favor of countywide public health departments rather than arrangements in which multiple agencies provide public health services within a county.⁹⁴

⁹² Chicago and Cook County Health Care Summit, *Chicago and Cook County Health Care Action Plan* (Chicago: Chicago and Cook County Health Care Summit, April 1990), 22 and 12.

⁹³ Metropolitan Planning Council, *Public Health: The Best Kept Secret* (Chicago: Metropolitan Planning Council, June 1993), 7.

⁹⁴ Frank Fuhrig, “Study: County, City Health Departments Should Merge; Some Say Present System Too Confusing,” *State Journal-Register* (Springfield, IL), May 14, 2000.

Cook County government provides a number of services to unincorporated areas of the county that are usually handled by incorporated municipalities. These services include highway maintenance, building code enforcement, zoning, liquor control, and animal control. The scattered nature of the parcels of unincorporated land in Cook County makes provision of these municipal-level services more expensive compared to most Cook municipalities.

In addition, it makes sense that these inherently local functions be handled at the lowest possible level of government—that is, the municipal level. This could occur either through formal boundary agreements among neighboring communities or on the basis of provisional boundaries set by the County and the affected communities.

By apportioning the unincorporated areas of the county to neighboring municipalities, it would be possible for the County to transfer its building and zoning, liquor control, animal control, and highway functions to municipalities. In the case of provisional boundaries, the county could pay the appropriate municipalities to perform these duties until the area is officially annexed, at which point the annexing municipality would assume complete responsibility for funding the services.

There is precedent in Illinois law for assigning regulatory control of unincorporated areas to adjacent municipalities. In unincorporated areas not under county zoning, an Illinois municipality is allowed to zone land within 1½ miles of its border.⁹⁵

Projections indicate that the county would in fact save money during a transitional period, when it would be paying municipalities to provide services in unincorporated areas. Area communities provide those services at a lower average per capita cost, according to an analysis of the County and nine municipalities: Chicago, Evanston, Palatine, Park Ridge, Oak Park, Schaumburg, Mount Prospect, Skokie, and Des Plaines. The reasons for the County's higher costs are unclear. Undoubtedly the fragmented nature of the county's unincorporated areas necessitates more travel expense, but the cost differential is so large that it is hard to believe that travel expenses alone are responsible.

Specific recommendations follow.

INTRODUCTION TO NEIGHBORING GOVERNMENTS: MUNICIPAL SERVICES

⁹⁵ Illinois, Municipal Code, 65 ILCS 5/11-13-1.

Transfer county highways to local municipalities.

COURSE OF ACTION:
Intergovernmental agreements and/or municipal annexation.

FISCAL IMPACT: \$9.8 million annual savings.

An analysis of road and street maintenance budgets (excluding capital improvements) suggests that area municipalities are, on average, able to maintain their roads at a far lower cost per lane mile.

Cook County has jurisdiction over approximately 572 center-line miles of roadway, most of which are discontinuous stretches scattered around the county. While municipal governments maintain some of the county roads, the county maintains some roads are under the jurisdiction of others. In total, Cook County is responsible for the maintenance of 512 miles of road accounting for 1,439 lane miles.

Cook County should not be in the business of road ownership and road maintenance. It is more expensive for the county to maintain these roads, and county maintenance of these roads is inefficient.

Cost

The County Highway Department had a budget of over \$31.1 million in Fiscal Year 2003; or \$21,632 per lane mile of highway.⁹⁶ An analysis of road and street maintenance budgets (excluding capital improvements) suggests that area municipalities are, on average, able to maintain their roads at a far lower cost per lane mile.

The average per lane mile cost of street maintenance in the ten communities studied (Chicago, Arlington Heights, Des Plaines, Evanston, Palatine, Park Ridge, Oak Park, Schaumburg, Mount Prospect, and Skokie) is \$14,813. If the County were to pay municipalities to maintain its roads at this average rate, it could save over \$9.8 million annually.

An examination of capital spending on roads also suggests that the County Highway Department is spending far more than it should. According to the 2001-2005 Highway Improvement Plan, 38 miles of County roads were rehabilitated in Fiscal Year 2000 at a total cost of \$23.3 million, and 36.1 miles of roads were scheduled to be rehabilitated in Fiscal Year 2001 for \$26.8 million. That equates to a per-mile cost of \$613,158 in FY 2000 and \$742,382 in FY 2001. In contrast, the per-mile cost for street rehabilitation in Park Ridge in Fiscal Year 2000/01 was \$127,800. Even if one assumes that the County roads were four lanes and the Park Ridge streets only two lanes, the County still spent nearly three times as much as Park Ridge to rehabilitate each mile.

The County Highway Department has indicated that there are a number of reasons why its average lane mile cost is higher than the

⁹⁶ Cook County Department of Highways, *Highway Transportation Plan, 2001 Through 2005* (Chicago: Cook County, July 2001), v; Cook County, *2003 Executive Budget Recommendation*, vol. 1 (Chicago: Cook County, 2003), G-55.

municipal average. According to the department, county highways are built to different design standards than municipal roads, reflecting the county highways' higher traffic volumes. In addition, the department reports that its reconstruction projects involve a complete replacement of pavement, whereas municipalities merely lay an additional layer over the existing pavement. Furthermore, according to the Highway Department, municipalities do not maintain traffic signals and storm sewers to the same extent as the county department, and they have a more limited snow plowing schedule than the county. No doubt these factors account for some of the difference in per lane mile costs between the county and municipalities, but it is unclear if they account for the full discrepancy. At the very least, the figures indicate a need for further study.

Efficiency

Much of the county's highways are isolated strips of road. For example, off Harlem Road, the county maintains a one-mile stretch of county road, yet less than a mile away are one-and-a-half miles of county road that are maintained by another jurisdiction. The county also maintains a one-mile stretch of Fullerton Avenue only two miles away from five-and-a-half miles of county roads maintained by other jurisdictions.

It would be a more efficient use of resources to either pursue intergovernmental land transfers for many of the small isolated strips of county roads or explore the cost savings of having other jurisdictions maintain our roads. There are approximately 60 miles of county roads currently maintained by other jurisdictions.

The County should more aggressively pursue intergovernmental land transfers for many of the small isolated strips of county roads that are difficult and inefficient to maintain.

For example, off Harlem Road, the county maintains a one-mile stretch of county road, yet less than a mile away are one-and-a-half miles of county road that are maintained by another jurisdiction.

Transfer building and zoning regulation to local municipalities.

COURSE OF ACTION:
Intergovernmental
agreements and/or
municipal annexation.

FISCAL IMPACT: \$1.9 million
annual savings.

According to the analysis, the per capita cost (all County per capita figures refer to the population of unincorporated areas only) to the County of providing building and zoning services to unincorporated areas of the county is \$40.97, compared with an average per capita cost of \$23.37 in the comparison municipalities. Based on these figures, paying municipalities to provide building and zoning services to unincorporated areas would save the County approximately \$1.9 million per year.

Transfer liquor control to local municipalities.

At present, the President of the County Board is the county's liquor commissioner, responsible for granting and revoking liquor licenses in unincorporated areas. It appears that the County spends more per capita on liquor control than the City of Chicago, the only municipality for which comparison figures were available. In the city, it costs \$0.55 per capita to provide the service; the County rate is \$2.20 per capita. If the county were to pay municipalities at the Chicago rate, it would save over \$180,000 a year on liquor control, according to the cost analysis.

COURSE OF ACTION:
Intergovernmental agreements and/or municipal annexation.

FISCAL IMPACT: \$180,000 annual savings.

Transfer animal control to local municipalities.

COURSE OF ACTION:
Intergovernmental
agreements and/or
municipal annexation.

FISCAL IMPACT: Over \$2.9
million annual savings.

County animal control costs were compared to those of four study communities (Evanston, Chicago, Palatine, and Oak Park). The County spends \$28.72 per capita—almost 12 times as much per capita than the \$2.42 average in other communities. Three factors explain some—but almost certainly not all, or even most—of the large cost differential. First, the county distributes rabies vaccination tags to veterinarians and maintains inoculation records, services that most municipal animal control departments do not perform. Second, animal control probably requires more travel than most of the other municipal-level services discussed in this recommendation, given that the physical pursuit of animals is often necessary. Third, one source indicates that the County Animal Control Department provides services to some suburban municipalities, though the County’s own budget states that it “responds to animal complaints in unincorporated Cook County and in towns and villages where animal control laws are less stringent.”⁹⁷

These factors in combination likely account for some of the cost differential between the County and the study municipalities. However, the \$931,000 increase to the “Cook County Administration” contingency line item in Animal Control’s FY 2003 budget is also partly responsible for inflating the per capita cost. (The purpose of that line item and the reason for the increase are unclear.) The above quote from the County’s budget suggests that County Animal Control is duplicating at least to some degree the efforts of municipal animal control units. Such duplication would disappear if the County devolved animal control responsibility to municipalities. The exact fate of Animal Control will have to be determined—it may be that the issuance of rabies tags is a task best suited to the County, for example—but if the County were to pay municipalities at the study communities’ average rate, it would save almost \$2.9 million annually.

⁹⁷ Cook County, 2003, vol. 1, E-144.

Special districts are abundant in the state of Illinois because of the restriction on local government taxation found in the 1870 constitution. Although demands for additional services grew over the decades, the tax limits prevented municipal and county governments from taking action. However, single-purpose special districts with their own taxing ability could be and were created to provide those services.

By 1970, Illinois had thousands upon thousands of these single-purpose special districts, and many citizens and government officials believed the fragmentation had reached crisis proportions. If anything, the situation is even worse today: the total number of special districts in Cook County increased from 229 to 236 between 1992 and 2002.⁹⁸ Citizens and officials alike are often baffled by the question of which body was responsible for which function—when they are aware of the existence of many of these special districts in the first place. In addition, effective coordination of related services across units of government is understandably difficult.

The drafters of the 1970 constitution understood the challenge that special district government presented and attempted to create rules that would encourage the consolidation or merger of existing special districts and discourage the creation of new ones. For one thing, the very restrictive limits on taxation that led to the proliferation of special districts in the first place were loosened.⁹⁹ Furthermore, one provision in the Constitution allows home rule units to tax individual areas within their boundaries for the purpose of providing special services to those areas.¹⁰⁰ Another clause authorizes local governments to enter into intergovernmental agreements “to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance.”¹⁰¹ Nevertheless, no special district has been eliminated in the state of Illinois to date. Under present state law, certain types of districts cannot be dissolved under any circumstances, because there is no legislation spelling out how dissolution would occur.

This report does not have its sights set on those special districts that are closely associated with municipal government: school districts, library districts, and park districts. Certainly, the status of those governments should be examined, and there may be situations in which merger with a municipal government or adjoining district

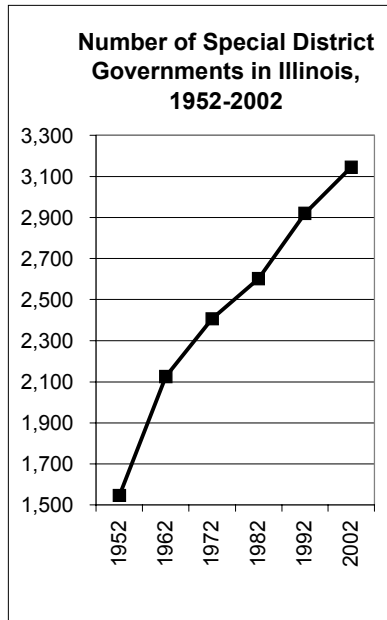
INTRODUCTION TO NEIGHBORING GOVERNMENTS: SPECIAL DISTRICTS

⁹⁸ U.S. Census Bureau, Government Organization, vol. 1, no. 1, *1992 Census of Governments* (Washington, DC: U.S. Census Bureau, 1993), 51; U.S. Census Bureau, Government Organization, vol. 1, no. 1, *2002 Census of Governments* (Washington, DC: U.S. Census Bureau, 2002), 29.

⁹⁹ Illinois Constitution, art. 7, sec. 6j and 6k.

¹⁰⁰ Illinois Constitution, art. 7, sec. 6l.

¹⁰¹ Illinois Constitution, art. 7, sec. 10a.



would make sense. However, this report is concerned only with the countywide and sub-countywide districts.

The problems of special district government are as diverse as the functions they perform, but some general observations can be made. All the special districts under review are virtually invisible to the general public, in part because their functions are highly specific but also because the regional press devotes so little coverage to them. This relative obscurity has allowed patronage and other forms of corruption in special district government to flourish far too much.

Special district governments not only receive less attention than general-purpose governments from the press, but also from voters. An analysis of voting patterns for the only true county-wide special district, the Metropolitan Water Reclamation District, illustrates this point. Fewer votes are cast in MWRD races than for any other non-judicial county-wide office. In 2000, 93.5 percent of all participating Cook County voters expressed a preference in the presidential race, while only 67.1 percent cast ballots in the MWRD race. In each of the three races that year for countywide offices—state's attorney, recorder of deeds, and clerk of the circuit court—participation exceeded 80 percent. The 2002 figures were similar. Among all county voters, 96.4 percent cast ballots in the race for governor, and 93.9 percent in the race for U.S. senator; county offices—board president, county clerk, treasurer, sheriff, and assessor—saw participation between 88.5 and 92.1 percent. The MWRD figure was 79.3 percent, an improvement over 2000 but still comparatively low.

Recommendations pertaining to special districts follow.

Absorb sanitary districts within the County into the Metropolitan Water Reclamation District.

Sanitary districts are units of government responsible for the construction and maintenance of sewer systems. Most send their waste to the Metropolitan Water Reclamation District (MWRD) for treatment, but a few sanitary districts are full-service, with their own treatment facilities. Overall, sanitary districts in Cook County are very small, in terms of population served, employees, and budgets. The overall system of government in Cook County would be simplified if the Metropolitan Water Reclamation District absorbed the sanitary districts of Cook County. The MWRD is itself a sanitary district, albeit a very large one, and therefore could assume the functions currently performed by the independent sanitary districts with very little disruption.

Sanitary districts in Cook County are a confusing group of governments. Even the number of sanitary districts within the County is unclear. The County Clerk's Tax Extension Unit reports that there are 30 sanitary districts in Cook County. However, other published reports put the total number of sanitary districts in the county at 23. Even more confusing, only 18 sanitary districts in Cook County have filed annual financial reports with the Illinois Comptroller sometime in the last four fiscal years. The confusion over the number of sanitary districts is indicative of the general sense of confusion surrounding sanitary districts.

The 18 sanitary districts which filed with the Illinois Comptroller's office serve only 204,000 residents, less than four percent of the County's population. The population of those 18 sanitary districts ranges from 210 to nearly 97,000, but only five serve a population greater than 5,000. Expenditures in Fiscal Year 2002 ranged from \$11,000 to \$4.6 million. Five districts employed no personnel in Fiscal Year 2002, and most of the rest employed fewer than 10 full- and part-time employees.¹⁰² The boards of some districts are elected, while others are appointed by the County Board President, local state legislators, or other officials.

At present, sanitary districts are not very accountable to the citizens they serve. Most are so small that they are ignored by the

COURSE OF ACTION: State legislation (see 70 ILCS 2205 through 3020).

FISCAL IMPACT:
Undetermined.

The 18 sanitary districts which filed with the Illinois Comptroller's office serve only 204,000 residents, less than four percent of the County's population.

¹⁰² Illinois Comptroller, "Select the Local Government Unit," State of Illinois, <http://www.comptrollerconnect.ioc.state.il.us/Office/LocalGov/ViewReports2002/SelectLocalGov.cfm>.

press unless there is a scandal or major problem of some kind. Even those districts with elected boards are so low-profile that voters know very little about their duties. This lack of information also makes it difficult to assess the qualifications of the candidates for office.

Most sanitary districts send their waste to the MWRD for treatment, so a relationship between the MWRD and those sanitary districts already exists. If the MWRD absorbed the sanitary districts, coordination would be even easier, since all activity would take place in the same agency.

For the above reasons of accountability and coordination, the continued existence of sanitary districts as separate units of government cannot be justified. They should be absorbed by the MWRD.

* * *

Serious consideration should also be given to the idea of the County absorbing the MWRD.

Serious consideration should also be given to the idea of the County absorbing the MWRD. At present, although the MWRD is a huge unit of government with a budget in the hundreds of millions of dollars, it has a very low profile. Its operations and the candidates seeking election to its board receive a minimal amount of coverage in local media, and public participation at board meetings and during the budget process is almost non-existent.

If the MWRD were merged with the county, its operations would likely see greater scrutiny since they would be discussed at the relatively high-profile meetings of the County Board. In addition, its operations could be overseen by an appointed panel of water treatment officials with expertise in wastewater management, but it would still be accountable to the public through the elected County Board and President. A further benefit of consolidation with the County would be easier coordination on issues of stormwater management and public use of MWRD-owned land.

Absorb the county's four mosquito abatement districts into the Cook County Department of Public Health.

Mosquito abatement districts are one of the best examples of unnecessary special district government. Cook County is home to four mosquito abatement districts. They are:

- Des Plaines Valley Mosquito Abatement District
- North Shore Mosquito Abatement District
- Northwest Mosquito Abatement District
- South Cook County Mosquito Abatement District

Each district is governed by a five-member board appointed by the President of the County Board with the advice and consent of the County Board.

The major benefits to consolidation of the county's mosquito abatement districts with the County Department of Public Health are threefold. First, a single agency will be able to coordinate abatement programs throughout the county more effectively than four separate districts can. Similarly, economies of scale and other operational efficiencies will be far easier to achieve by reducing the number of agencies from four to one. Finally, the County Department of Public Health is more accountable and visible to the public than four separate districts led by appointed boards operating in near-obscurity.

Thanks in part to the low profile of these mosquito districts, they have suffered from corruption and mismanagement befitting much larger units of government. The North Shore Mosquito Abatement District (NSMAD) has been responsible for most of the recent scandals. These include:

- Sexual harassment charges. In the late 1990s, NSMAD settled a sexual harassment suit against a former superintendent for \$48,000 and another sexual harassment suit against a long-time board member and president for \$20,000.¹⁰³
- No-bid contract to county commissioner's daughter. After a public outcry, the NSMAD board in early 2000 rescinded a \$25,000 no-bid newsletter publishing contract that it had awarded to the daughter of a Cook County commissioner during a closed meeting.¹⁰⁴

COURSE OF ACTION: State legislation (see 70 ILCS 1005).

FISCAL IMPACT: Assumption of mosquito abatement district finances.

Thanks in part to the low profile of these mosquito districts, they have suffered from corruption and mismanagement befitting much larger units of government.

¹⁰³ Cornelia Grumman, "Mosquito District Has Penchant for Problems," *Chicago Tribune*, January 25, 2000.

¹⁰⁴ Cornelia Grumman, "New Buzz on Mosquito Panel Spending," *Chicago Tribune*, February 4, 2000; idem, "Mosquito Board Kills Newsletter Contract," *Chicago Tribune*, February 8, 2000.

- Taxpayer-funded junkets. Board members and top officials of the NSMAD were given \$1,500 allowances for their annual trips to mosquito conferences and incurred some questionable expenses (\$165 for “dry cleaning,” \$150 for “snacks,” \$1,100 for “misc. entertainment,” etc.) while reportedly spending very little time at conference sessions.¹⁰⁵
- Ghost payrolling. The board hired the son of a Cook County commissioner’s top aide with no pertinent experience as “chief inspector of mosquito and larva sites” at an annual salary of \$40,000. This action was subsequently investigated as part of a federal probe into ghost payrolling.¹⁰⁶
- Poor performance. A cluster of West Nile Virus cases in Evanston and Skokie in 2002 potentially may be related to insufficient spraying and trapping efforts in those communities (in many cases due to public pressure against spraying).¹⁰⁷

The South Cook County Mosquito Abatement District has avoided the egregious scandals found in the North Shore district, but it has also been criticized for poor performance and questionable financial policies.

A bill was introduced in early 2003 in the Illinois General Assembly to merge the four Cook County mosquito districts into the Cook County Department of Public Health and the City of Chicago Department of Public Health (for those portions of the existing districts within city limits). However, the bill has been watered down twice; first, the merger into the county was scrapped in favor of a merger of the four districts into one large suburban Cook County mosquito abatement district. The bill was then amended into an even weaker form that would only eliminate the two most troubled districts, by folding the North Shore district into the Northwest district and the South Cook County district into the Des Plaines Valley district. At the present time, the bill is still working its way through the legislature, but in its current form it is a far cry from the significant reform originally intended and represents only a slight improvement over the current situation.¹⁰⁸ **A better approach would see the County absorb all four Cook County mosquito abatement districts into the County Department of Public Health.**

A bill was introduced in early 2003 in the Illinois General Assembly to merge the four Cook County mosquito districts into the Cook County Department of Public Health and the City of Chicago Department of Public Health.

¹⁰⁵ Cornelia Grumman, “Mosquito Board Trip Causes Buzz,” *Chicago Tribune*, March 19, 2000.

¹⁰⁶ Robert Becker and Mickey Ciokajlo, “Ghost Payrolling Probe Resurrected,” *Chicago Tribune*, January 25, 2002.

¹⁰⁷ Brenda Fowler, “West Nile Story,” *Chicago Tribune Magazine*, May 11, 2003.

¹⁰⁸ Illinois General Assembly, House, *An Act Concerning Mosquito Abatement*, 93d General Assembly, H.B. 2549 and amendments.

Absorb the Suburban Cook County Tuberculosis Sanitarium District into the Cook County Department of Public Health.

Tuberculosis is no longer the grave disease it once was, and modern medicine has made many of the old treatment techniques—bed rest in sanitariums chief among them—obsolete. In this light, there is little need for a separate tuberculosis sanitarium district in Cook County. Its duties should be assumed by the Cook County Department of Public Health.

The County itself examined the future of the Suburban Cook County Tuberculosis Sanitarium District within the last decade. President Stroger, whose transition team suggested selling the district's Suburban Hospital, created a task force in 1996 to consider the future of the District. That task force recommended that inpatient treatment be ended and President Stroger suggested that the hospital site be turned into a forest preserve.¹⁰⁹

The Civic Federation's recent analysis of the Tuberculosis Sanitarium District presents a strong case for the district's abolition on financial grounds. First, the Civic Federation found that the district's per patient cost of \$36,870 was significantly higher than in Boston, the City of Chicago, Los Angeles, New York City, and San Francisco. The average per patient cost in those communities was \$21,184. The report also pointed out that the City of Chicago's tuberculosis programs employed roughly the same number of personnel as the district but handled three times as many cases. In addition, the report states the district's expenditures "are disproportionate dedicated to salaries for managerial and clerical staff."¹¹⁰ Furthermore, for at least the past six years the District's appropriations have exceeded its expenditures by a significant amount—on average, by 30 percent.¹¹¹ This has resulted in an accumulated fund balance of nearly \$10 million dollars, which the Civic Federation notes is "...an amount large enough to raise serious legal and financial management questions."¹¹²

COURSE OF ACTION: State legislation. (see 70 ILCS 920)

FISCAL IMPACT: Assumption of CCTSD finances.

...[T]he Civic Federation found that the district's per patient cost of \$36,870 was significantly higher than in Boston, the City of Chicago, Los Angeles, New York City, and San Francisco. The average per patient cost in those communities was \$21,184.

¹⁰⁹ Mark Brown, "Cook County Puts TB District, Facility on the Critical List," *Chicago Sun-Times*, February 12, 1996: 10; "Turn Hospital Into Preserve, Stroger Says," *Chicago Sun-Times*, May 9, 1996, 18.

¹¹⁰ Civic Federation, *A Call for the Elimination of the Suburban Cook County Tuberculosis Sanitarium District* (Chicago: Civic Federation, October 20, 2003), 1.

¹¹¹ Civic Federation, 7.

¹¹² Civic Federation, 1.

Other counties in Illinois have retired their tuberculosis sanitarium districts successfully.

Merger with the Department of Public Health makes sense because of the Department's responsibility to track outbreaks of disease and to respond to epidemics. Furthermore, the County Department of Public Health already monitors diseases linked to tuberculosis (HIV, for instance) and helps those afflicted with those illnesses. As a result, prevention and education measures will be more effective if tuberculosis care is under the umbrella of the County Department of Public Health.

Other counties in Illinois have retired their tuberculosis sanitarium districts successfully. DuPage County previously had a Tuberculosis Care and Treatment Board with its own tax levy, but it was consolidated with the DuPage Health Department in the mid-1980s.¹¹³ Similarly, Peoria County eliminated its tuberculosis sanitarium district in 1994 and transferred its functions to the county public health department.¹¹⁴ **Cook County should follow these counties and absorb its Tuberculosis Sanitarium District into the County Department of Public Health.**

¹¹³ William Presecky, "TB Board May Join Health Department," *Chicago Tribune*, November 5, 1985, DuPage edition, Chicagoland section, 4A.

¹¹⁴ Jennifer Nelson, "Third- and Final-Day Mainbar for 'Illinois Government: Layer Upon Layer,'" Copley News Service, May 30, 2000.

SECTION 4

BOARD STRUCTURE

End the practice of allowing the President of the County Board to serve simultaneously as a Commissioner.

COURSE OF ACTION: County ordinance.

FISCAL IMPACT: \$85,000 annual cost (one additional commissioner's salary).

The current arrangement seems especially bizarre when one considers that the President can vote to uphold his own veto.

Cook County has a unique governing structure. No other large county in the United States—and probably no county at all—uses the same system as Cook. For over one hundred years now, the President has also been a commissioner—that is, a legislator. This mixing of executive and legislative authority violates the principle of separation of powers upon which the American system of government—and the council-executive form of county government in particular—is predicated.

Under an 1887 Illinois state statute, the President was elected from the candidates for commissioner. A voter indicated which candidate was also his/her choice for president, and the candidate who received the greatest number of votes for president assumed the office. In theory, this arrangement could have allowed a person to lose election as a commissioner but win as president; fortunately, the situation never arose, since it is unclear how this paradox would have been resolved.

The 1970 constitution removed the requirement that the President must come from the ranks of the Board but permitted the adoption of an ordinance allowing a person to run for and occupy both offices. The Board passed such an ordinance in 1973, and since then every President has served simultaneously as commissioner. Some losing candidates for President, it should be noted, did not run for commissioner.

The President has the authority to appoint many top administrators and to veto legislation, powers that are inconsistent with concurrent service as a commissioner. The current arrangement seems especially bizarre when one considers that the President can vote to uphold his own veto, thereby making an override majority that much more difficult to achieve. (Theoretically, he could vote to override, but how likely is that?) This is largely a hypothetical situation—it is unclear how often presidents have voted to uphold their own vetoes—but problems might arise in the future if this arrangement is not changed now.

Occupying both positions at once means the officeholder must be responsible both to the residents of his/her district and to all county residents. The potential for conflicts of interest is great. In addition, a president-commissioner must divide his or her attention between the two offices, giving neither full attention. The residents

of each district have a right to be represented by a commissioner dedicated solely to their district, just as all the residents of the county have the right to a president representing the county as a whole.

In order to institute a proper separation of executive and legislative powers in Cook County, no person should be allowed to run for or hold the offices of Commissioner and President simultaneously.

Reduce the majority needed to override a presidential veto from 4/5 to 3/5.

COURSE OF ACTION: County ordinance with referendum approval, or state legislation (see 55 ILCS 5/2-6008).

FISCAL IMPACT: Negligible.

The 4/5 majority was established by state statute because a 3/5-majority requirement would have allowed the 10 board members from Chicago [under the old two-district system] to override a veto without any support from suburban commissioners.

At present, a four-fifths majority vote of the Board of Commissioners is required to override a presidential veto. This gives the President of the County Board extraordinary power in relation to the Board, allowing him or her to flout the wishes of the Board unless it manages to achieve near-unanimity on an issue. In addition, the four-fifths rule enables a very small minority of Board members to block legislation favored by an overwhelming majority.

Very few governments operate with a four-fifths veto override majority. The City of Chicago, for example, requires a two-thirds vote of all elected members to override a mayoral veto. Similarly, the U.S. Congress can override a presidential veto with a two-thirds vote of all members in each house. The State of Illinois requires a vote of three-fifths of the members elected in each house of the General Assembly.

Under the 1870 constitution, the Cook County Board of Commissioners consisted of 10 members from the City of Chicago and 5 members from suburban Cook County. The 4/5 majority was established by state statute because a 3/5-majority requirement would have allowed the 10 board members from Chicago to override a veto without any support from suburban commissioners. As the dissent in *Dunne v. County of Cook*¹¹⁵ stated:

The underlying rationale of the four-fifths majority is to insure that the second district (the area outside Chicago) will have a voice in overriding presidential vetoes. Because other counties do not have the unique two-district plan that Cook County has, there was never a need for these other counties to require a four-fifths majority. The three-fifths majority is the norm [in those other counties] and is consistent with other laws and ordinances at the Federal, State, and local levels of government.¹¹⁶

Indeed, should any county in Illinois decide to adopt the county executive form of government, the veto override majority would be three-fifths, as set by the County Executive Law.¹¹⁷

There has been no justification for the four-fifths rule since the Cook County Board added a sixth suburban member in 1973 (thereby altering the calculations and ensuring that at least one

¹¹⁵ *Dunne v. County of Cook* held that the Cook County Board could not alter the veto majority by ordinance without an accompanying referendum.

¹¹⁶ *Dunne v. County of Cook*, 123 Ill. App. 3d 468.

¹¹⁷ Illinois, *Counties Code*, 55 ILCS 5/2-5010.

suburban vote would be required to reach a three-fifths majority) and even less of a rationale since Cook County began electing commissioners from single-member districts—many of which straddle the City of Chicago’s border—in 1994.

Even worse, the majority necessary to override a veto in practice is not four-fifths, it is even higher. To surpass four-fifths (80 percent), 14 out of the 17 commissioners must agree, making for an effective override percentage of 82.4 percent. To make matters worse, since the President is highly unlikely to vote to override his own veto, a successful override would in fact require 14 of the remaining 16 votes—a seven-eighths majority (87.5 percent). In contrast, a three-fifths majority would require only 11 of 17 commissioners to agree (64.7 percent). In the situation where a president votes as commissioner to uphold his own veto, the percentage rises to 68.8 percent (11 of the remaining 16 votes), but that is still a great deal lower than under the current four-fifths rule.

To ensure a relatively equal balance of power between the legislative and the executive, the majority needed to override a presidential veto should be lowered from 4/5 to 3/5.

Even worse, the majority necessary to override a veto in practice is not four-fifths, it is even higher.

Merge the Clerk of the Board into the Secretary of the Board.

COURSE OF ACTION: County ordinance, or state legislation (see 55 ILCS 5/3-2013).

FISCAL IMPACT: \$57,000 annual savings.

The current arrangement is a perfect example of the duplication and inefficiency that too commonly afflicts Cook County government.

Currently, two offices staff County Board meetings: the Clerk of the Board is responsible for full Board meetings, while the Secretary of the Board handles committee meetings. The current arrangement is a perfect example of the duplication and inefficiency that too commonly afflicts Cook County government. Therefore, there is no justification for the continued existence of both offices.

The County Clerk's role as clerk of the board developed long ago, when counties were small, rural units of local government and there was no need for a part-time county board to have full-time staff support. In a major metropolitan county such as Cook County, however, with a full-time board of commissioners and a vast amount of legislative and administrative activity, this historical remnant should be discarded. The County Board should have direct authority over the staff it employs to assist it in its work. The President and the County Board's desire to assert some control over staffing decisions undoubtedly led to the creation of the Secretary of the Board, but the continued existence of dual offices performing almost identical duties is wasteful. It is long overdue for the Board to assume full control of all staff members who directly serve it.

The Secretary of the Board should absorb the Clerk of the Board's duties as soon as possible. Staff reductions may not result, but coordination will be much easier. Furthermore, the Board finally will have direct authority over its support staff, as it should.

Establish a permanent, independent Innovation and Efficiency Commission.

Demands for effective government and well-run public services are growing at precisely the same time that resources are becoming more limited.

On many occasions in the past, the County has set up committees to make recommendations on how to improve the efficiency of government operations. These committees have proposed very sensible reforms, and many of these smart recommendations have made their way into this report. Unfortunately, once one of these study committees completes its report, the committee disbands and is therefore unable to follow up on the recommendations it produced. Without sustained attention to the proposed reforms, it is far too easy for County leaders to shelve the reports and continue with business as usual. Recommendations made by independent groups, like the Civic Federation, lack official imprimatur and face an even tougher road to adoption.

The County ought to establish a permanent, independent Innovation and Efficiency Commission to study issues relating to the structure, operation, and finances of County government on a continuing basis. The Commission would be composed of representatives drawn from a wide variety of backgrounds and perspectives, such as business, community groups, academia, professional organizations, and other areas. An ordinance establishing such a Commission might even specify general categories from which members would be chosen and a minimum number that must come from each category. Commission members could be chosen by the President of the County Board, by individual County Board members, or through some other method.

A permanent Commission would have the ability to follow up on and lobby for the recommendations it makes, increasing the likelihood that a true debate on the merits of the proposed reforms would take place among County leaders.

An executive director and small staff would support the work of the Commission—and would also provide a source of institutional memory, in addition to the Commission members themselves.

There are precedents for this idea. For example, Los Angeles County has had a Citizens' Economy and Efficiency Commission since 1964. It consists of 21 members; each of the five county supervisors may appoint four members, and the 21st seat is filled by the outgoing chair of another county investigative committee. Its mission

COURSE OF ACTION: County ordinance.

FISCAL IMPACT: \$250,000 annual cost.

Without sustained attention to the proposed reforms, it is far too easy for County leaders to shelve the reports and continue with business as usual.

A permanent Commission would have the ability to follow up on and lobby for the recommendations it makes, increasing the likelihood that a true debate on the merits of the proposed reforms would take place among County leaders.

statement would be a good model for a Cook County Innovation and Efficiency Commission:

The Economy and Efficiency Commission is created to examine any function of County government at the request of the Board of Supervisors, on its own initiative, or as suggested by others. The Commission will conduct reviews of all aspects of local government management, operations and policies.

After these reviews, the Commission will submit recommendations to the Board with the objective of improving the economy, efficiency, and effectiveness of local government.

During its 39-year history, the Commission has produced over 139 reports and other documents and has received numerous awards for its work.¹¹⁸ Its recent accomplishments include a 58-point report identifying how Los Angeles County could recover over \$1 billion in uncollected debt, recommendations to improve jury service which were subsequently implemented, and a study exposing problems with the county's foster care system.¹¹⁹

Miami-Dade County in Florida has a similar permanent advisory commission. In 1997, County Mayor Alex Penelas created the Efficiency and Competition Commission to improve "efficiency and cost-effectiveness in County government services." Its areas of study include not only structural reorganization, but also performance management, privatization, and employee incentive programs. The commission, which has an executive director and other staff members to support its work, is further charged with monitoring the implementation of its recommendations.¹²⁰

Cook County should establish a permanent, independent Innovation and Efficiency Commission to provide ongoing research and support to the County.

¹¹⁸ Citizens' Economy and Efficiency Committee of Los Angeles County, "Los Angeles County Citizens' Economy and Efficiency Commission," Citizens' Economy and Efficiency Committee of Los Angeles County, <http://eec.co.la.ca.us/mainpageTest.htm>.

¹¹⁹ Douglas Haberman, "L.A. County Considering Better Debt Collections," *Los Angeles Daily News*, August 24, 1998; Kenneth Ofgang, "Parkin Hails Jury Improvements, But Says Security Lags Due to Lack of Funding," *Metropolitan News-Enterprise* (Los Angeles), May 14, 1996, 3; Troy Anderson, "Foster Kids' Future Often Bleak; Study Finds County Red Tape Adds to Woe," *Los Angeles Daily News*, February 20, 2002, N3.

¹²⁰ Miami-Dade County (FL), "Miami-Dade County—Efficiency and Competition Committee," Miami-Dade County, http://www.co.miami-dade.fl.us/ecc/release_XII.asp.

Strengthen the office of the Inspector General.

Currently, the Office of the Inspector General is under the jurisdiction of the President. Under this arrangement, the Inspector General (IG) can never be truly independent. Given that the Inspector General's job is to investigate waste, corruption, and mismanagement in the executive branch of county government, this lack of independence from the executive is a serious problem.

Ideally, the County Board should appoint the Inspector General, as a check on the executive branch (however, until county presidents are no longer permitted to serve simultaneously on the Board, there would still not be a full separation of powers). Appointment of an inspector general would require only a majority of the Board, but his or her removal from office would require a two-thirds (or higher) vote. The higher threshold for removing the inspector general from office is intended to allow him or her to make unpopular decisions (such as an investigation of the Board itself) without worrying that a bare majority of the Board could remove him or her on a whim. However, in the case of serious misconduct or exceptionally poor performance by the inspector general, it would still be possible for the Board to remove him/her.

In addition, to further insure the office's independence, the Inspector General's term of office should be longer than the terms of commissioners and the President. At the federal level, the Comptroller General—who, in heading the General Accounting Office, the investigative agency of Congress, has a position somewhat equivalent to the inspector general in Cook County—is appointed by the President of the United States to a fifteen-year term. This long tenure insulates the GAO from changes in presidential and congressional leadership, thereby providing it with the independence needed to perform its job properly. In Cook County, an inspector general with a five- to seven-year term would always overlap the four-year terms of board members, the president, and other elected officials. This would protect the IG from changes in leadership but allow for the Board to make periodic changes to the IG's office.

This report also proposes that a funding mechanism be created to ensure that a certain percentage of the total county budget be dedicated to the Inspector General's office, in order to thwart any attempt to reduce its ability to perform investigations by cutting its budget. This idea also has the benefit of ensuring that as the county's budget increases over time (as is likely), the inspector general is guaranteed a commensurately larger budget for his or her office's

COURSE OF ACTION: County ordinance.

FISCAL IMPACT: Dependent on decisions about the appropriate funding level.

Given that the Inspector General's job is to investigate waste, corruption, and mismanagement in the executive branch of county government, this lack of independence from the executive is a serious problem.

In addition, to further insure the office's independence, the Inspector General's term of office should be longer than the terms of commissioners and the President.

work. Of course, should this aspect of the proposal prove to be controversial, the inspector general's office could be funded through the normal appropriations process.

Other counties have inspector generals or other officials with similar powers. King County, Washington (home of Seattle), has a "county auditor" with duties similar to that of an inspector general. The position is mandated by the county's home rule charter and the appointment power is vested solely with the legislative branch.¹²¹ In Miami-Dade County, Florida, the inspector general is appointed by the county Ethics Commission and can be removed from office by a 2/3 vote of the commission.¹²²

The Inspector General should be appointed by the Cook County Board and provided with sufficient resources to ensure independence from the executive branch.

¹²¹ King County (WA), "King County Auditor," King County, <http://www.metrokc.gov/auditor/>.

¹²² Miami-Dade County (FL), "Miami-Dade County—Office of the Inspector General," Miami-Dade County, <http://www.miamidadeig.org/faq.htm>.

APPENDIX I:

FISCAL IMPACT METHODOLOGY

For the purposes of estimating how much the County might be able to save by turning over services in unincorporated areas to neighboring communities, the County was compared to 10 communities: Chicago, Arlington Heights, Des Plaines, Evanston, Mt. Prospect, Oak Park, Palatine, Park Ridge, Schaumburg, and Skokie.

These communities do not represent a diverse sample of municipalities in Cook County, as they are mostly affluent northern and western suburbs. However, the choice of these communities—dictated in large part by the availability of budget documents on the Internet—most likely results in a more conservative estimate of savings than a representative sample would. According to the Illinois Comptroller, the average amount spent on municipal government by nine of the ten communities (information regarding Chicago was unavailable) was higher than the overall average for communities in the same population class (25,000 or more residents). This suggests that the amount spent per capita in these communities on the services in question is also higher than average.

In addition, the total expenditure for each service in each community was conservatively calculated. When there was no discrete budget amount for a particular service available, the figure used was either the entire budget for the relevant department or the sum of all the subdivisions in a department budget that might conceivably have a direct relationship to the service. When doubt existed, units were included rather than excluded.

Wherever possible, budgets for fiscal year 2003 were used.

The highway estimates deserve special notice. Those estimates used lane mile figures, which were only available for the County and one community, Palatine. For the remaining communities, only total street mileage, also known as center-line mileage, was available. Center-line mileage was doubled to create a proxy number of lane miles. It is reasonable to assume that all streets have at least two lanes, even though there are likely some streets with more than two lanes in each community. The total number of lane miles is therefore most likely understated, resulting in a conservative estimate.

* * *

The other estimates in the report assume that 5 percent of the combined budgets of the newly created or consolidated offices could be saved. Research turned up no guidelines for estimating cost savings through mergers and reorganizations, but it seems reasonable to assume that savings amounting to 5 percent of the budget could be found somewhere.