

## ASSET MARKETING COMMITTEE POLICIES AND PROCEDURES

### 1) Committee Structure and Function

#### A. Membership

##### I. Mandated membership

- a) Per Cook County Ordinance 14-5643 (herein referred to as the Asset Marketing Ordinance), the committee shall be comprised at minimum of the following members:
  - 1) Chief Financial Officer
    - i) The Chief Financial Officer or designee shall serve as Chair of the Committee.
  - 2) A representative of the Cook County Health and Hospitals System (“CCHHS”) appointed by the CCHHS Chief Executive Officer
  - 3) No less than two other persons appointed by the Cook County Board President of the County Board
    - i) One person appointed by the Cook County Board President shall be a member of the Board of Commissioners
    - ii) Other voting members will be representatives of departments that have a high likelihood of being integral in asset marketing (e.g. Department of Transportation and Highways)

##### II. Membership opt-in

- a) Additional Asset Marketing Committee members may be included, per the Asset Marketing Ordinance, via the following process:
  - 1) In the event another separately elected official chooses through a Memorandum of Understanding to participate in the Asset Marketing Program, one person shall be appointed by said separately elected official.
  - 2) In the event the Forest Preserve District chooses to participate through an intergovernmental agreement with the County, a person designated by the Superintendent of the Forest Preserve District shall participate on the committee.
- b) Upon being designated a representative, that person shall participate as an active member of the committee for a minimum of one calendar year.

##### III. Change of leadership

- a) If the structure of Cook County government is changed through a statute or ordinance that establishes an entity or agency that is not under the authority of a separately elected official or the Chief Judge, said new entity or agency shall be invited to attend meetings of the Committee.
- b) Changes to the mandated committee structure may be made via amendments to the Asset Marketing Ordinance.

##### IV. Representative reassignment

- a) If a committee member leaves the employ of Cook County government or the employ of the entity or agency which he or she represents, that member shall be replaced with a new member, as designated by the appropriate agency head.
- b) The appropriate entity or agency head may reassign the representative of the entity or agency at his or her discretion. Keeping entity or agency committee representation consistent over time is highly encouraged to ensure continuity and program knowledge.
- c) If a committee member is unable to participate in a meeting, a designated temporary replacement may attend in his/her place, upon confirmation by the committee member.
  - 1) Notification of a temporary replacement should be sent by the official representative to the Committee Chair in advance of the meeting.

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- V. Departmental points of contact
  - a) The head of each entity, department, or agency which has a voting member on the Asset Marketing Committee shall provide the name and contact information for staff who will serve as administrative and operational contacts.
    - 1) Designated Chief Contact: This person shall be the voting representative for the entity or agency, and thus the primary point of contact in fulfilling responsibilities and duties associated with the Asset Marketing Program.
    - 2) Designated Operational Contact: This person shall be the operational contact with respect to assets under control of the entity, department, or agency.
  - b) These roles may be filled by the head of the entity, department, or agency.
  - c) These roles may be filled by the same person.
  - d) The names for persons filling each role shall be submitted in writing to the Program Manager and Chair of the Committee.
- VI. Invitees
  - a) As deemed useful and appropriate, additional Cook County employees may attend meetings as invitees, with no voting rights.
- B. *Attendance, Agendas and Action*
  - I. A pre-designated representative from every participating entity or agency is expected to be present at each Asset Management Committee meeting. To facilitate this participation, the date of meetings shall be sent out no less than two weeks in advance and will be held in a County conference room.
  - II. Agendas and Voting
    - a) The Asset Marketing Committee Chair shall have the authority and fulfill all responsibilities associated with chairing a committee, including establishing and managing the agenda, managing discussion, setting questions, and calling for votes.
    - b) Requests for inclusion of an agenda item or for a vote on any issue shall be submitted to the Committee Chair with sufficient time for the Chair, in turn, to distribute and publish the relevant agenda in accord with the Illinois Open Meetings Act, but in no event later than five business days in advance of the meeting.
    - c) The Committee Chair may reassign the date of review for a vote.
    - d) The Committee Chair will be responsible for taking a roll call and his or her designated recording secretary shall record the question and results of said votes.
  - III. Quorum and Presence
    - a) A quorum shall consist of at least 51% of voting members, subject to the physical presence requirements of the Open Meetings Act.
    - b) .
    - c) If a committee member cannot physically attend a meeting he or she may participate via phone or teleconference..
      - 1) Before the adjournment of a meeting that requires a vote but lacks a quorum the Chair shall establish the date of the next meeting.
      - 2) If a quorum on any vote is not present for three successive meetings, the vote may be taken absent a quorum, provided that any member eligible to veto the question is in attendance.
  - IV. Veto
    - a) The committee member representing an entity or agency that is duly authorized to exercise control or authority over an asset which is the subject matter of a particular asset marketing proposal may veto said proposal, provided that said member may veto

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only that portion of a proposal that applies to the asset over which the corresponding agency or entity exercise possession.

- V. Approving a non-direct contract between the Program Manager and a Third Party
  - a) A non-direct contract means a contract between an Asset Marketing Program Manager and another person through which said person is a participant in an Asset Marketing Program under the Asset Marketing Ordinance, but not through a direct contract.
  - b) A simple majority of a quorum is required to approve the terms and conditions of a non-direct contract between the Program Manager and a Third Party, provided that all requirements of the Ordinance, the Program Manager Contract, and the policies and procedures established by the Office of Contract Compliance have been met, and further provided that the corresponding entity or agency does not object.
  - c) Voting committee members may vote for, against, or abstain from any vote. The responses for each representative shall be noted for the record.
  - d) Any presentation that requires a vote, which cannot be taken at the time of presentation, can be deferred until the next meeting.
    - 1) Before adjourning the meeting in which the presentation has taken place, the date of the next meeting, in which the presentation shall be voted on, shall be scheduled.
    - 2) In between meetings, additional information, documents, and materials regarding the subject matter of the vote may be solicited and shared with committee members.
  - e) If the designated committee member eligible to veto a contract is not in attendance for the vote, and no designated representative has been sent in his or her place, the vote shall not be taken in his or her absence.
    - 1) The vote can be delayed for two meetings due to the absences of a representative eligible to veto a contract. If representation is still not present for the third call for the vote the veto power is negated and the proposed contract may be approved with a simple majority of a quorum.
- C. *Code of conduct for Members and Others*
  - I. Committee members shall adhere to the Committee rules, come prepared to meetings, and submit a temporary replacement whenever possible if they are unable to attend a meeting themselves.
  - II. Committee members and other persons in attendance shall exhibit appropriate decorum during meetings, and shall act with and discretion regarding the meeting's discussion.
  - III. In a public comment period, the length of which shall be established in the discretion of the Chair, members of the public shall be accorded the opportunity for public comment, in accord with the Open Meetings Act. In advance of any meeting, members of the public who wish to participate in the relevant public comment period shall register with the person designated Secretary by the Chair. Authorized and duly registered public speakers shall be called upon to deliver comments or testimony at a time specified in the meeting agenda. Proposed public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public comments and testimony must be germane to a specific item(s) on the meeting agenda, and the comments or testimony for any one speaker shall not exceed three minutes. The person designated Secretary by the Chair shall keep track of the time and advise when the time for public comment or testimony has expired. Persons authorized to provide public comment or testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Committee; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in

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expulsion from the meeting and disqualification from attendance or participation in future meetings, at the discretion of the Chair or the Committee..

### D. *Meeting materials*

#### I. Submission of material

- a) To ensure time for all representatives to review material prior to the meeting, any documents to be discussed by the committee shall be delivered to the Chair with sufficient time for the Chair, in turn, to distribute and publish relevant materials in accord with the Illinois Open Meetings Act, but in no event later than five business days in advance of the meeting at which the subject of the material is established on the agenda.

#### II. Review of material

- a) It is expected that any voting member of the committee has reviewed the material submitted in advance of the meeting so they are prepared to take part in the group conversation and / or vote.

#### III. Follow-up material

- a) After each meeting, a summary shall be sent out to all representatives and designated contacts within one business week. Any additional, supplemental material should be sent at that time as well.

## 2) **Asset Marketing Strategy and Content**

### A. *Mission statement*

- I. Asset marketing programs will be a tool for additional revenue or value generation so long as they are consistent with the character of County-owned property, serve the public interest, and take into account the possibility that potential revenue opportunities may increase through the collective or bundled use of particular assets.

### B. *Additional content and material restrictions*

- I. In addition to content and material restrictions and limitations established by Cook County Ordinance, asset marketing initiatives shall not entail:
  - a) Content or material that constitutes religious or political speech.
  - b) Content or material that conflicts with the interests or mission of the County and the various public entities and agencies associated with Program.
  - c) Content or material that is likely to lower the value or popular appeal of the relevant asset.
  - d) Content or material that contravenes restrictions established by the relevant governmental authority or authorities through ordinance, resolution, executive order, or, when relevant, court rule.
  - e) Within the standards of United States, Illinois, and County law, content that (i) promotes, is associated with, or entails weapons, nudity, violence, sexual relations or sexually related matters; and (ii) is inappropriate for or harmful to children.

### C. *Minority and Women participation*

- I. All aspects of the Program shall be developed and implemented to meet County goals regarding MBE/WBE/VBE/SDVBE participation, and, as per the Asset Marketing Ordinance, in accord with such Policies and Procedures as are established by the Director of Contract Compliance.
- I. Every non-direct contract associated with the Program shall clearly establish the level of direct or indirect participation, and such other elements as are required under the Policies and Procedures established by the Director of Contract Compliance.

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### D. *Policy guidelines*

- I. Appropriate legal standards should be followed.
  - a) This includes any necessary review of the impact of marketing on any assets secured by tax-exempt bonds.
- II. Additional expenses for asset marketing (e.g. technological upgrades, alterations to infrastructure or nature, overtime pay) should be factored into the contract and provide no or *de minimus* cost to the County.
  - a) Prior to any alteration in technology or facilities the Committee should request a recommendation from the appropriate County department. A vote should not take place prior to receiving the review.
  - b) An incorrect calculation of these costs can result in a review by the Asset Marketing Committee of the contract of the Program Manager.
- III. Bundling of assets should be considered by the Program Manager and Committee in such ways that it may allow for a more comprehensive, cohesive, and financially advantageous contract.
- IV. Any multi-year sub-contract should include language to allow for nullification in future years if it proves to conflict with County priorities or becomes an undue financial burden.
- V. The safety and security of Cook County residents should always be weighed when considering the terms of any contract.

### E. *Specific marketing considerations*

- I. Advertising
  - a) Advertising that requires access to County technology systems must be reviewed by the appropriate technology department prior to approval.
- II. Concessions
  - a) Extra consideration should be given to vendors that offer health-conscious options.
  - b) Food that contains ingredients that cause common food allergies shall be disclosed as such prior to sale.
- III. Signage
  - a) Signage should neither distract from the natural beauty of the location in which it resides, nor cause undue distractions.
    - 1) Signage that is perceived to cause harmful distractions (e.g. car accidents) may be reviewed by the Committee and the contract may be prematurely terminated.
- IV. Sponsorships
  - a) No statements, outside of an announcement of sponsorship, shall be made asserting exclusive support for any sponsor's product or organization.

### F. *Request for specific review by an entity or agency*

- I. All entities and agencies shall work in collaboration with the Program Manager by responding to inquiries (e.g. stakeholder interviews, data collection) regarding potential assets to be utilized.
- II. Once the full implementation plan has been approved by the Asset Marketing Committee, any subsequent assets or ideas that entities and agencies would like to be considered for asset marketing will need to be presented to the Committee to assess if they fit into the current overall strategy.

### G. *Status review and updates*

- I. The Program Manager shall reassess the viability of assets and recommend strategies and methodologies to improve revenue generation at minimum on a semi-annual basis.
- II. By a majority vote of the Asset Management Committee, specific reviews by the Program Manager may be requested on an as needed basis.

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### H. *Direct contracts vs. Non-Direct contracts*

- I. The following will require a contract to be executed directly between Cook County and the provider of service:
  - a) Any contract that has an initial term that exceeds 5 years or that provides for one or more possible extensions under which performance would continue more than five years from its inception
  - b) Any contract that will generate a projected annual amount in excess of \$750,000
- II. The following will allow for, but not require, a contract between the Program Participant and the Program Manager:
  - a) A contract that will last for a period no greater than 5 years
  - b) A contract that will generate a projected annual amount of up to \$750,000
- III. Any direct contract will require review and approval by the Cook County Board of Commissioners.
- IV. To safeguard the interests of the County, discussions regarding the approval or non-approval of a direct or non-direct contract, or that relate or could lead to the development, negotiation, or promulgation of a direct or non-direct contract, may be closed to the public at the discretion of the Committee. Participation in such closed meetings may be limited, at the discretion of the Chair, to committee members and support staff.

### 3) **Revenue Sharing**

#### A. *Single agency contracts*

- I. In the event the County receives incremental revenue attributed by the Asset Marketing Program Manager as being derived from one or more assets under the authority and control of an office under the President or a separately elected official, 50% of said revenue, calculated on an annual basis, shall be reflected by a credit to the general-fund budget target provided by the Budget Director during the budget process to departments for the fiscal year that follows said receipt, and when legally permissible and upon the request of the relevant agency, associated with a special purpose fund identified by the agency.
- II. Contracts pertaining to the utilization of CCHHS or FPD assets shall receive 100% of their funds associated with the relevant assets controlled and owned by CCHHS and/or FPD as relevant, for distribution as the asset owner deems appropriate.

#### B. *Multi-agency contracts*

- I. Contracts pertaining to the leveraging of any entity or agency asset other than those belonging to CCHHS or FPD, shall have 50% of the contract revenue deposited in the Cook County General Fund and the remaining 50% shall be divided proportionally between agencies as a credit toward their budget ceilings.
- II. Contracts pertaining to the leveraging of CCHHS or FPD assets and another Cook County entity or agency assets shall have revenues distributed proportionally. Of the funds they receive, CCHHS or FPD may distribute their funds as they deem appropriate and any other entity or agency shall have 50% of said revenue, calculated on an annual basis, shall be reflected by a credit to the general fund budget target provided by the Budget Director during the budget process to departments for the fiscal year that follows said receipt, and when legally permissible and upon the request of the agency associated with a special purpose fund identified by the agency.
- III. Proportional distribution of funds for Cook County entities and agencies shall be based on proportionality of proceeds generation by those participating in the contract.
  - a) Adoption of a new metric to determine proportionality may be made by a simple majority vote of the Asset Marketing Committee.

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### *C. Multi-year contracts*

- I. Upon adoption of a multi-year contract, the allocation per year shall be determined. This will allow the receiving entity or agency to account for this revenue stream in their upcoming budget forecasts.

### *D. Separately arranged contracts*

- I. Any proposal to utilize an asset to gain revenue or value for the County shall be in compliance with the Asset Marketing Ordinance. This applies to all Cook County entities and offices.
  - a) To ensure compliance with this requirement, the Asset Marketing Ordinance shall be sent to the appropriate staff member for each separately elected official.
  - b) Each separately elected official shall be invited to participate, or designate a representative, on the Asset Marketing Committee. Committee membership is subject to the terms of the Asset Marketing Ordinance.
- II. Renewal of existing contracts, implemented prior to the adoption of the Asset Marketing Ordinance, shall also be reviewed by the Asset Marketing Committee.
  - a) Reviewing all asset marketing contracts utilized by Cook County will allow the Asset Marketing Committee to determine whether each fits into the County's wider asset marketing strategy.
  - b) For contracts whose approval falls outside the purview of the Asset Marketing Committee, the group shall provide a recommendation regarding how the contract fits into the wider County asset marketing strategy.
- III. All contracts for offices of separately elected officials who have not chosen to take part in the Asset Marketing Committee that were in existence prior to the adoption of the Asset Marketing Ordinance shall continue unaltered until the current contract's expiration date.
  - a) When contracts reach their current expiration date, or any new contracts are approved, these shall be subject to the County Asset Marketing Ordinance.
  - b) Revenues obtained outside of the use of the Program Manager shall be subject to review during the annual budget appropriation and mid-year appropriation.
  - c) Entities and agencies shall not leverage the information gathered by the Program Manager to seek out their own contracts.

## **4) Approval and Amendment of Policies and Procedures**

- A. These Policies and Procedures shall have no effect until such time as they are approved by the Cook County Board of Commissioners through resolution.
- B. These Policies and Procedures may be amended from time to time by the Committee, provided that no such amendment shall have effect until such time as it is approved by the Cook County Board of Commissioners through resolution.