

SR

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

MICHAEL L. SHAKMAN, PAUL M. LURIE,)
KENNETH AYERS, ANN M. KING,)
INDEPENDENT VOTERS OF ILLINOIS-)
INDEPENDENT PRECINCT ORGANIZATION,)
MICHAEL SULLIVAN, DARRYN JONES,)
STUART MAJERCZYK, RICHARD)
GRAMAROSSA and CONNIE GRAMAROSSA,)
et al.,)

Plaintiffs,)

v.)

DEMOCRATIC ORGANIZATION OF COOK)
COUNTY, THE CITY OF CHICAGO, RICHARD)
M. DALEY, INDIVIDUALLY AND AS MAYOR)
OF THE CITY OF CHICAGO, REPUBLICAN)
STATE CENTRAL COMMITTEE OF ILLINOIS,)
REPUBLICAN COUNTY CENTRAL)
COMMITTEE OF COOK COUNTY, et al.,)

Defendants.)

) Case Number: 69 C 2145
) Judge Andersen
) Magistrate Judge Schenkier

**AGREED ORDER APPOINTING POST SRO
COMPLAINT ADMINISTRATOR FOR COOK COUNTY**

On November 30, 2006, a Supplemental Relief Order for Cook County ("SRO") was entered by agreement which includes a procedure for administering complaints ("post-SRO Complaints") of unlawful political discrimination in connection with any aspect of government employment by Cook County ("County") under the control of the President of the County Board and the Cook County Board of Commissioners in violation of the consent decrees or the SRO

after the final approval of the SRO. The court entered final approval of the SRO on February 2, 2007. In accordance with the terms of the SRO, the post-SRO Complaint procedure is to be administered by the County Inspector General's office ("IGO") or by another individual or entity designated by the court pursuant to Section V, footnote 1 of the SRO.¹

By agreement of the parties and pursuant to Section V, footnote 1 of the SRO, the court appoints Mark J. Vogel to serve as the complaint administrator ("Complaint Administrator") to administer post-SRO Complaint procedures and fulfill the duties and powers granted to the IGO in Section V of the SRO.

1. The Complaint Administrator shall be an agent of the court and shall have only the duties, responsibilities and authority conferred herein by the court or by the SRO pursuant to Section V and by subsequent court orders regarding such duties. The Complaint Administrator, subject to the supervision and orders of the court, shall process, investigate and report on post-SRO Complaints filed in connection with any term or condition of employment with the County of Cook ("County") in accordance with Section V of the SRO.

2. The County shall compensate the Complaint Administrator at a rate of \$250 per hour subject to revision from time to time for good cause. Should the Complaint Administrator determine that other support is necessary to assist him in carrying out the duties of his appointment, he shall first consider utilizing the existing staff and resources of the OIIG. If the Complaint Administrator engages other staff member(s), any such individual(s) shall be

¹ Footnote 1 refers to the Inspector General's Office. While the Office of the Independent Inspector General (OIIG) was created by Cook County ordinance subsequent to the entry of the SRO, the IGO and OIIG will be considered the same office for purposes of this order.

compensated at their reasonable and customary hourly rates as determined by the Complaint Administrator, or with agreement by the County, and subject to review by the court upon motion. The County shall provide the Complaint Administrator with reasonable and fair resources to independently, effectively and expeditiously process, investigate, and report on post-SRO Complaints and shall maintain such resources until the Complaint Administrator has completed his duties hereunder.

3. The Complaint Administrator and the Complaint Administrator's staff, if any, shall be permitted to conduct *ex parte* communications with the court, the Parties and their counsel, and the Shakman Compliance Administrator.

4. In the course of the performance of his duties hereunder, the Complaint Administrator shall have the power to cause subpoenas to be issued and to take testimony to the same extent as a lawyer for a party in discovery proceedings in civil litigation pursuant to the Federal Rules of Civil Procedure. Such actions may be pursued without notice to other parties when the Complaint Administrator so determines.

5. The OIIG shall refer all post-SRO Complaints to the Complaint Administrator for processing, investigation and reporting, or Complainants may make complaints directly with the Complaint Administrator. The Complaint Administrator shall provide notification to the OIIG of any post-SRO Complaints received directly by him. In the event that a post-SRO complaint also includes allegations unrelated to violation of the consent decrees or SRO, the Complaint Administrator will continue to administer that portion of the complaint asserting allegations of unlawful political discrimination in accordance with the post-SRO complaint procedures while

the OIIG will address the unrelated allegations. In any case in which the OIIG bases his action on findings or a report of the Complaint Administrator, the OIIG shall promptly inform the Complaint Administrator of the steps taken and responses received.

6. The Complaint Administrator may with due regard for his independence, collaborate with the OIIG on matters unrelated to political discrimination under arrangements that are mutually agreeable to the OIIG and the Complaint Administrator. In collaborating with the OIIG in processing, investigating and reporting on claims of unlawful discrimination, the Complaint Administrator shall retain full authority for administering post-SRO complaint procedures.

7. This order has no impact on the duties of the OIIG that are not related to post-SRO Complaints being administered by the Complaint Administrator.


8. The Complaint Administrator and staff members, if any, he may engage to assist him in fulfilling his duties hereunder (including independent contractors, agents, attorneys, non-attorneys, and their employees and agents) shall possess the same immunity from suit as does a special master appointed by the court.

9. The plaintiffs' class representatives, the County, its employees, and related entities, and the Shakman Compliance Administrator and her agents, shall fully cooperate with the Complaint Administrator's investigation of complaints, by, among other things, promptly providing any and all requested documents and information to the Complaint Administrator, and providing the Complaint Administrator with access to all requested documents and records in a manner that will preserve the confidentiality of the Complaint Administrator's investigation.

10. The Complaint Administrator is appointed for a term ending on the effective date of the termination of the Consent Decree and the SRO pursuant to Article III.E of the SRO, or until removed by the court at its discretion. Notwithstanding the foregoing, the term of the Complaint Administrator shall continue until completion of the Complaint Administrator's processing of all complaints filed prior to such effective date of termination.

11. This order may be subject to amendment by this court upon motion by either party.

ENTER:


Wayne R. Andersen
United States District Judge

February 12, 2009