

**Berwyn Park
District's Board
Governance
Policies**

Introduction

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I. BOARD GOVERNANCE

A. Park District and Board Authority

1. Statutory Authorization and Legal Status

A park district is a municipal corporation created for the purpose of providing recreation services and acquiring and maintaining parks, and is separate and distinct from the city, county or any other political body. It is an agency through which in part, the people of the state carry on government. It is not purely local in function, for the courts have held that the park property is held in trust for the use of the people of the state at large and not for the exclusive use of the people of the district. (*Quinn v. Irving Park District*, 207 Ill. App. 449). A park district is purely a creation of the legislature, and has no inherent powers, but only such powers as have been granted it by the legislature, or as are necessarily implied to give effect to the powers specifically granted. In 1947, the legislature enacted “The General Park District Code.” This was the first step in codifying the laws pertaining to park districts which served a population of less than 500,000, and it incorporated all of the basic laws of the three different types of park districts which existed. This legislation is contained in 70 ILCS 1205/. Many of the legislative changes in the basic code are prepared by the Illinois Association of Park Districts, and the Park District is a member of that Association. Current revised copies of the Park District Code are available, and the Code explains in detail the authority and responsibilities of an Illinois park district. This manual provides guidance and presents duties and policies for the conduct of Board level business. In addition, it also presents the general policies used to administer the District as a whole.

2. Scope and Declarations of Controls

The provisions of this manual will apply to and be enforced in all of the territory now or hereafter coming within the boundaries of the District and in all parks, boulevards, public places, and other facilities now or hereafter coming under the control of the District, whether within or outside the boundaries of the District. All properties, real or personal, and previously or hereafter acquired by the District, whether by gift, devise, grant, purchase, lease, or by appropriation, are hereby declared to be in the possession of and under the control of the District.

3. Authority of Board Members

The Board functions under the authority of the Illinois Park District Code, 70 ILCS 1205/1-1 *et seq.* and within the framework of applicable State of Illinois and federal laws.

4. Adherence to Laws

This Board expressly adopts as its policy a determination to adhere strictly to and conform with all applicable laws of the Federal Government and of the State of Illinois as they may from time to time become enacted, pertaining to this and all other aspects of Board functions. All Board members and employees are expected to know and shall be responsible for observing all provisions of the law and all rules and regulations of the Board pertinent to their activities as Board members and employees of the District.

B. Commissioner Nomination and Election

1. Qualifications

Any person who is a registered voter, who resides within the District, for one year, and who meets all other requirements of law is qualified to be a candidate for the office of commissioner.

2. Nomination

A candidate for the Office of Commissioner must file a nominating petition with the Secretary of the District, signed by qualified voters of the District equal in number to not less than 2% of the number who voted at the last preceding election for Commissioners in the District, but in no case by less than 25 registered voters.

3. Election

Commissioners will be elected biennially to take the place of those whose terms expire. Such elections will take place at the election provided for by the general election law (10 ILCS 5/1.1 *et seq.*). Each candidate is responsible for completing all of the actions required by law to have their name placed on the ballot as a candidate. The requirements for candidates are set forth at the Illinois State Board of Elections website.

4. Oath of Office

Example #1

All elected and appointed Board commissioners, before entering upon the duties of his or her office, shall take and subscribe to an oath to well and faithfully discharge the duties of said office. The oath shall be filed with the Board Secretary. (70 ILCS 1205/4-1)

5. Annual Meeting

The President and Vice President shall be elected annually by a majority vote of the Park Board from among the Commissioners of the current Park Board during the Annual Meeting as herein set forth or when a vacancy occurs. All Commissioners are considered candidates for the offices; however, any Commissioner may decline nomination prior to the casting of ballots. The order of election shall be President, then Vice President; no Commissioner may hold more than one office. Nomination for President will be verbally accepted by the Board Secretary. The President will conduct the same process for the remaining officers. If no candidate receives a majority vote on the first ballot, subsequent ballots will be cast, but limited to the two candidates who received the most votes on the prior ballot (in case of a tie, there may be more than two), until the office is filled (70 ILCS 1205/4-8). The Secretary, Treasurer and Assistant Treasurer may or may not be Commissioners of the current Park District Board and shall be nominated and appointed annually by majority vote of the Park Board as herein set forth during the Annual Meeting or when a vacancy occurs (70 ILCS 1205/4-8). The Executive Director, Board Attorney and special counsel as may be recommended by the Board Attorney cannot be a commissioner of the Board and shall be appointed annually or as otherwise specified by majority vote of the Park Board as set forth during the Annual Meeting and when a vacancy occurs. The Board may also enter into a contract with the Executive Director and/or the Board Attorney for which they continue in their positions as defined by contractual obligations. This contract must be approved by a majority vote of the Park Board. Commissioners and officers will be insured under a Public Officials Liability policy and under normal circumstances will be indemnified by the District for the \$5,000 deductible portion of that coverage (70 ILCS 1205/8-20).

6. Vacancies

Example #1

As provided in the Illinois Park Code by State Statutes, the Board may also declare vacant the office of any Commissioner who dies, resigns, ceases to be a legal voter in the District or who refuses or neglects to take the oath of his/her office. Vacancies shall be filled by announcing the vacancy through a press announcement and in a local newspaper of general circulation for applications to fill the vacancy. Of those submitting written applications to the Board, the most qualified, in the Board's opinion, will be invited for oral interviews with the Board. The vacancy will then be filled by appointment, via majority vote of the remaining Board members, of the most qualified of the group of applicants. Any person so appointed shall hold his/her office until the next regular election for his/her office at which a member shall be elected to fill the vacancy for the unexpired term, subject to the following conditions:

- (a) If the vacancy occurs with less than 28 months remaining in the term, the person appointed to fill the vacancy shall hold his/her office until the expiration of the term for which he or she has been appointed and no election to fill the vacancy shall be held.
- (b) If the vacancy occurs with more than 28 months left in the term, but less than 123 days

before the next regularly scheduled election for this office, the person appointed to fill the vacancy shall hold his/her office until the second regularly scheduled election for the office, following the appointment, at which a member shall be elected to fill the vacancy for the unexpired term.

Example #2

Whenever any member of the board shall die, resign, become under legal disability, cease to be a legal voter in the District, be convicted of an infamous crime, fail to attend meetings of the board for the length of time as the board fixes by ordinance or refuse or neglect to take the oath of office after becoming elected to the Board, said office may be declared vacant by the Board and may be filled by appointment by a majority of the remaining members of the Board.

C. Officers- (The previously approved descriptions will be added to the final draft)

1. **President**
2. **Vice President**
3. **Secretary**
4. **Treasurer**
5. **Compensation of Appointed Officers**

Example #2

Members of the Board are prohibited by the Park District Code from receiving any remuneration or compensation for their services. Officers appointed by the Board who are not members of the Board, and all employees may receive such compensation for their services as the Board determines pursuant to law.

Example #3

The Commissioners perform a valuable and necessary service in providing a sound Park District. By law, the members of the Board provide his/her service without monetary compensation.

D. Commissioner Recruiting, Orientation, Training, and Recognition

1. Recruiting

Example #1

The Board recognizes that, as good leaders, the members of the Board should be actively involved in seeking out qualified residents of the District to run for a position on the Board. In addition, Board members should take an active role training newly elected Board members. Staff share and prepare an information packet containing essential information to be available to perspective candidates. Additionally, at least one informational session with the Executive Director and a department head must take place.

Example #2

The Director will provide information to commissioner candidates which will include but not be limited to meeting with the candidates. The Director will provide a copy of the Mission Statement, current budget, one (1) year of program brochures, a map of parks and facilities, and other available material requested by the candidate. The Director will also provide a review of information available on the District's website. The Secretary of the Board will perform all actions dealing with the nomination of candidates for the office of commissioner as provided by law.

2. Orientation

Example #1

The Board shall assist with the orientation of new Board members by:

- (a) Providing assistance to the Executive Director with preparation or compiling of written materials, which shall include, among other materials, the following: Park District Policies; Illinois Park District Code; Commissioner Resource Manual; and Park District Rules and Regulations Governing Use of Park Facilities
- (b) Arranging the opportunity for new Board members to attend the IAPD new commissioner orientation;
- (c) Providing a tour of the District's parks and other facilities; and
- (d) Arranging meetings with the Board President, the Executive Director, the Superintendents, and other staff as determined by the Executive Director, for the purpose of explaining the District's organizational structure and the planning, financial, and budget procedures of the Board.

Example #2

The Executive Director shall provide a newly-elected park board Commissioner with a copy of *The Park District Code*, the *Illinois Park District Law Handbook*, the *Illinois Park District Financial Procedures Guide*, the *Get on Board* book, the *Guide to the Open Meetings Act and FOIA*, the Park District Board Policy Manual, minutes of the park board meetings for the past six months, and any other resource material deemed beneficial to onboarding the new Commissioner. A meeting of the park district president, the executive director and the new members shall be arranged by the executive director for the purpose of answering questions and acquainting the new member with the park district. In addition to the executive director and other staff providing specific and factual information, other board members should orient the new members to board philosophy and practices. They should review, as a board, what members – including the new member – should expect of each other. New members will be encouraged to attend workshops conducted by the Illinois Association of Park Districts.

3. Open Meetings Act Training

Board of Commissioners shall be required to receive training on compliance with the Open Meetings Act (OMA) by successfully completing the electronic training curriculum developed and administered by the Attorney General's Public Access Counselor within ninety days of taking office and assuming the responsibilities of a member of the Board of Commissioners. Board members may also attend an OMA training class/seminar sponsored by IAPD. Upon successful completion of the training curriculum, Board members shall file a copy of the certificate of completion with the public body or Board Secretary, (5 ILCS 120/1/02, *et seq*). It is also required that one or more staff members be designated by the Board to receive annual OMA training.

4. Recognition of Outgoing Board Members

Service on the Board shall be recognized, upon completion of the term, by presentation to outgoing Board members of a plaque or small gift at a regular Board meeting, typically during the meeting that includes the annual meeting of the Board.

E. Board Duties, Functions, and Responsibilities

1. Duties and Functions

Example #1

It is the policy of the Board of Commissioners to recognize and maintain the distinction between those activities which are appropriate to the Board of Commissioners as the legislative, governing body of the park system, and those administrative activities which are to be performed by the Director and his/her staff in the exercise of a delegated administrative authority. The functions of the Board of Commissioners can be described as:

- (a) Policy-making,
- (b) Planning,
- (c) Fiscal responsibility
- (d) Evaluation.

The general corporate powers of the Board, as set forth in the Park District Code, include but are not limited to the following:

- (a) Policies. To study, develop and adopt policies that will satisfy the park and recreation needs of the community and to see that such policies are effectively administered.
- (b) Budget. To adopt an annual budget in order to provide the best possible facilities, program, and services to the public and to establish and enforce controls for the expenditure of funds within the limitations of the budget.
- (c) Tax Levy. To annually appropriate funds and levy taxes in order that the District's needs may be met.
- (d) Official Actions. The Board functions under the authority of the Illinois Park District Code, the "Code", and within the framework of laws, court decisions, opinions of the Illinois Attorney General and similar mandates from the state and national levels of government. Board members, collectively and individually, act as representatives of all residents of the District in maintaining and promoting the use of park and recreation activities. Through an evaluation of the available resources and the often-conflicting needs and demands of all interested parties and groups, Board members seek to move toward decisions and actions which best serve the recreation needs of the community as a whole. The Board shall concern itself primarily with broad questions of policy rather than with administrative details. The application of these policies is an administrative task to be performed by the Director and his/her staff who shall be held responsible for the effective administration and supervision of the District including all facilities and programs. All such facilities and programs shall be operated within the financial guidelines determined by the Board. In the discharge of their duties, Board Members act as a Board and not as individuals. The individual Board members have no more authority over park and recreation policies or personnel than any other citizen. He/she has no legal or moral right to speak for the Board unless specifically authorized to do so by action of the Board. It is improper, ill-advised and unethical for individual Board Members to make public pronouncements and/or conjectures about Board matters either not yet decided by official Board action or decided in a properly called Executive Session of the Board. Board Members should respect the Board's commitment to work through its Director. Board Members should also seek information from the Director when asked by

a resident to address a particular issue or complaint. The Board shall have the authority to establish by ordinance all necessary rules and regulations for the government and protection of parks, boulevards and driveways, and other property under its jurisdiction (70 ILCS 1205/8-1(d)) and to prescribe such fines and penalties for the violation of ordinances as stated in the Ordinance Code.

- (e) Providing for the Regulations and Restrictions Governing the Use of the Park System. Exercising this authority, the Board has adopted, and may from time to time, amend District Ordinances.

Example #2

The primary function of the Board is to establish and implement policies and objectives for effective administration and implementation of the Park and recreation projects, activities, and programs to meet the needs of the citizens of District. In addition, it is the responsibility of the Board to operate within the framework of the Illinois Park District Code, 70 ILCS 1205, *et seq.* The Board will constitute the corporate authority of the District and when acting as the corporate authority of the District, has the following powers:

- (a) To sue or be sued and to contract in furtherance of any of its corporate purposes.
- (b) To acquire in the name of the District by gift, devise, grant, purchase, lease, or by condemnation real estate or rights therein necessary to effect any of the powers or purposes granted to the District by the laws of the state of Illinois in effect at the time of the acquisition.
- (c) To acquire in the name of the District by gift, bequest, purchase, or lease any personal property necessary for the District's corporate purposes.
- (d) To lease, sell, and convey title to property.
- (e) To levy and collect taxes on all taxable property located within the District, to issue bonds, to receive grants and loans from the state or federal government and others, and to raise revenues in any other manner provided by law.
- (f) To plan, establish, and maintain recreational programs, facilities, and equipment, which may be appropriate for park purposes, and to establish fees for the use thereof.
- (g) To pass necessary ordinances, rules, and regulations for the proper management and conduct of the business of the Board and the District, to establish by ordinance needed rules and regulations for the government, protection, and use of parks, boulevards, driveways, recreational facilities, and other property under the jurisdiction of the District, and to provide fines and penalties for the violation of such ordinances.
- (h) To exercise other powers heretofore or hereafter conferred by the laws of the state of Illinois.

2. Committees

Example #1

The Board, by majority vote, may designate standing committees of the Board from time to time,

and in so doing the Board shall establish the purpose and scope of authority of such committees. The Board also may establish meeting times and places for its standing committees from time to time.

Example #2

The President may appoint special temporary committees or task forces of the Board for any purpose approved by the Board. The functions of such committees shall ordinarily be fact-finding, deliberative and advisory, and their reports shall be made to the Board of Commissioners for discussion and action. The function of such committees or task forces may be legislative or administrative when so authorized by special action of the Board. The President of the Board and the Director shall be ex-official member of all committees. Special committees shall be discharged upon completion of their assignment.

3. Open Meetings Act Officer

As required by the Open Meetings Act (OMA), the Board must designate employees to receive training on compliance with the OMA and these individuals must complete annual electronic training developed by the Illinois Attorney General's Office. Currently, the Executive Director and administrative office supervisor are the Board's designated employees. At any time, the Board may designate new or additional employees to receive training on compliance with OMA. If a public body designates new or additional individuals, those individuals must complete the training within thirty (30) calendar days of their designation. All Commissioners also must complete the electronic training (once not annually) and file a copy of the certificate of completion with the Board Secretary no later than the 90th day after taking the oath of office.

4. Freedom of Information Act Officer

The Freedom of Information Act (FOIA) requires that the Board appoint one or more FOIA Officers who annually complete the electronic training developed by the Illinois Attorney General's Office. Their responsibilities include receiving information requests from the public and sending responses in compliance with FOIA. The Board appointed FOIA Officers are the Executive Director, Director of Finance and Human Resources and Administrative Office Supervisor. When the Board designates a new or additional FOIA Officer, that person must successfully complete the electronic training within thirty (30) days after that designation. The District's administrative procedures for implementing FOIA are outlined in the District's Administrative Policy Manual.

5. Board Liaisons

Example #1

The Board may appoint liaisons or individual representatives at the first meeting following the Board's Annual Meeting, for various functions such as, but not limited to Finance, Human Resources, Legislative, and Intergovernmental Relations. The role of each liaison/representative is outlined below, and additional liaisons serving other functions may be established as determined by the Board along with their responsibilities:

- (a) Finance: Reviews check registers weekly with Friday approval to release vouchers to vendors (two liaisons)
- (b) Human Resources: Coordinates Executive Director's annual evaluation and discusses with the Executive Director and the Board the progress being made in the various areas the Board has asked the Executive Director to address (one liaison, which is the Board Vice President)
- (c) Legislative: Establishes relationships with legislators, attends legislative events, and reports as needed on legislation affecting parks and recreation through the Illinois General Assembly (one liaison)
- (d) Intergovernmental Relations: Represents the Board with other government organizations to be an active partner in community planning and opportunities for cooperative efforts, ensure that community's parks and recreation needs are considered, and avoid duplication of facilities and services (one liaison).

All appointments expire at the next Annual Meeting.

Example #2

The Park District maintains a policy of intergovernmental and civic cooperation. The Board of Commissioners encourages communication and cooperation with other local governments and with public and private organizations that enhance Park District programs and interests. These guidelines apply to the Commissioners in their roles as liaisons. By adhering to these guidelines, the Commissioners will maintain consistent and transparent relationships with the assigned organizations and thereby maximize the value of the liaison program.

General Standards:

- (a) When your liaison assignment is made, contact your assigned organization promptly, introduce yourself, and open channels of communication, including meeting dates, times, and locations.
- (b) Attend your assigned organization's board meetings diligently, not less than once per quarter for those organizations that meet monthly.
- (c) Be prepared to speak at a meeting about interesting activities or initiatives of the Park District. The Executive Director's Report includes useful information, and you can call the Executive Director for additional information.
- (d) Take notes during a meeting of relevant and interesting activities. Contact the Executive Director about any item on which she or he should follow up. Provide details as necessary.
- (e) Be prepared to report to your colleagues on interesting matters at the next Board of Commissioners' meeting as well as share information regarding functions and activities

related to the affiliate organization.

Important Elements:

- (a) You are not a board member of your assigned organization and thus you should never assume that role. You attend meetings to listen and observe, not to question the operations or otherwise participate in your assigned organization's business items.
- (b) You should not be an advocate for your assigned organization or for its programs or initiatives, but instead you should remain a neutral listener and observer.
- (c) You should not suggest policies or practices to your assigned organization, even if you are asked to do so.
- (d) If you are asked, then you may answer questions about a Park District matter, but you should not discuss any Park District matter that has not yet been discussed in an open meeting of the Board of Commissioners.
- (e) As a single Commissioner, you cannot speak on behalf of the Board of Commissioners except when the Board has taken a final position on the matter or has directed you to speak on a topic as a representative of the Board.
- (f) At any time you have a question or concern about your liaison assignment or your assigned organization, you should contact the Executive Director promptly.

6. Retreat and Goal Setting

The Board recognizes that it is important to evaluate itself and establish goals for the Board from time to time. The Board shall conduct an annual retreat at which the Board shall undertake a self-evaluation and formulate goals for itself. All Board members are required to attend the retreat.

7. Intergovernmental and Civic Cooperation

Example #1

Economizing Resources: It is the policy of the District to be good stewards of the resources of the District. The Director and Department Heads should determine the best options available to the District when making purchases for the District including but not limited to joining other municipal bodies in cooperative purchasing, membership in joint purchasing programs, and using state and federal purchasing programs.

Equipment: Lending and borrowing of equipment are common among governmental entities such as park districts, cities, and school districts. The Director and Department Heads are empowered to lend and/or borrow equipment when deemed appropriate by the staff and approved by the Director. The Director and Department heads may establish a fair and equitable rate on specialized pieces of equipment and may also elect to not charge the requesting agency.

Intergovernmental Cooperation: The District will strive to develop intergovernmental cooperation agreements with local, state and federal government agencies to promote and enhance efficient use of tax funds and effective delivery of park and recreation services.

Example #2

The Board encourages cooperation with other agencies in the community, including governmental, public, private, and voluntary organizations that enhance the services provided to the District and act consistently with the best interests and well-being of the District. The Board has created many beneficial relationships with organizations that undertake activities consistent with the best interests of the District. The Board supports the following policies:

- (a) Promotion of Cooperation: The Board encourages Board members and the Executive Director to promote intergovernmental and civic cooperation through appropriate relationships between District officials and staff and the officials and staff of other agencies.
- (b) Relationships with Particular Groups: The Board desires to maintain its valuable relationships with various sports and civic groups. Board members may be appointed to serve as liaisons between the District and some of these organizations.
- (c) School Districts: The Board encourages cooperation between the Park District and the School District in the development and use of facilities and equipment, when such cooperation results in efficient and effective programming that is beneficial to the District, the school district, and residents. Such cooperation may be outlined in letters of agreement between the District and the respective school district.
- (d) SRA: The Park District is a member of the [INSERT NAME] Special Recreation Association (SRA). The SRA is an extension of the services of its member entities. It is governed by a Board of Directors which represents each of these member entities. It is the SRA's goal to provide a wide variety of programs and services for individuals with all types of disabilities and of all ages.

8. Planning and Evaluation

Example #1

The Park Board shall assume the responsibility to appraise and evaluate the District's recreation programs, the physical condition of facilities and parks, and the efficiency of operations and communication, and to establish goals for recreational programs, land development, capital expenditures and delivery of the same. The Board shall maintain a master plan that includes provisions for each of the District's parks and other key facilities. The Board shall strive to keep the master plan current and may undertake a thorough review of the master plan at least as often as every 10 years. The Board shall maintain a 5-Year Capital Projects Plan that forecasts the District's capital project needs. The Plan should include provisions related to proposed capital improvements; park and facility maintenance and repairs; equipment replacement, maintenance and repairs; vehicle needs; estimated costs; potential funding sources; and similar matters. The Plan should be reviewed no less often than biennially.

Example #2

The Board shall provide for the planning, acquisition, improvement, financing, construction,

programming and maintenance of the property of the District.

Example #3

Board members, collectively and individually, act as representatives of all residents of the District in maintaining, planning, and promoting the use of park and recreation activities. Through an evaluation of the available resources and the often conflicting needs and demands of interested parties and groups, commissioners seek to move toward decisions and actions which best serve the recreational needs of the community as a whole.

9. Community Input

Community input is a critical component of providing services to the community. This input is used to determine the perceived quality of services as well as the services desired by our community. This input is gathered in the following ways:

- Community Survey – completed at least once every ten years.
- Program Evaluations – completed at the end of programs, seasons, school year.
- Focus Groups and Advisory Committees – conducted upon development of new parks, facilities, and programs.
- Public Hearings and Presentations – held by the park district on various matters.
- Public Input – is encouraged as a board meeting agenda item.
- Public Open Houses – conducted for public input and information regarding referendum, matters of concern, new initiatives.

10. Establishment of Personnel Policies

The Board shall have the responsibility of establishing policies governing District Employees. The Board may adopt and maintain a personnel handbook that establishes the terms, rules, and policies related to employment with the District. The Board shall employ a properly educated and trained professional to serve as Executive Director, the chief administrative officer of the District. The duties and terms and conditions of employment of the Executive Director may be set forth by written contract between the Board and the Executive Director for a specific term. The Executive Director shall serve at the will of the Board and shall be subject to the policies and direction of the Board. The Board shall evaluate the performance of the Executive Director annually.

11. Qualified Employees

Example #1

The Board recognizes that the District competes both with private entities and other public agencies for well-qualified, high-quality employees. The Board understands the importance of

encouraging and supporting the Executive Director's ability to maintain, within reasonable financial constraints, a policy of providing a suitable salary and benefits program for the employees of the District.

Example #2

The Park District is committed to hiring highly qualified individuals to provide park district services and recreational opportunities to the community and support services. As such, it is the intent of the Board to encourage the Executive Director to hire certified or professionally trained staff whenever feasible. The Board further recognizes that the Park District competes with private as well as other public agencies for quality employees. Thus, it is imperative that the Board encourages the Executive Director to maintain, within reasonable financial constraints, a policy of providing a competitive salary/benefits program for employees.

F. Board and Director Relationship

1. Selection of Executive Director

The Park Board shall select an Executive Director as the chief administrative officer and professional advisor of the Park District; and delegate to him/her the authority and responsibility to execute policy, provide leadership, develop strategies, create annual work plans, establish operating procedures, enforce rules and regulations, and administer the daily operations of the parks and recreation facilities, programs and services and manage personnel within budget. The Executive Director may delegate his/her authority but shall nevertheless be responsible to the Park Board. The Board shall perform an annual written evaluation of the Executive Director or more often as may be deemed necessary. Additionally, the Executive Director will oversee the implementation of the policies of the Board of Commissioners through the creation of procedures for the District. A procedure is a method of carrying out policies. The Executive Director will also oversee the recruitment and hiring of staff. The Executive Director has the authority to approve the Emergency Operations Plan and Business Continuity Plan. Again, however, the essential job functions of the Executive Director consist of supervising day-to-day operations, preparing board materials, and supervising the recreation programs, financial procedures, safety and fundraising efforts of the District.

2. Relationship with Executive Director

Example #1

Board members should respect the Board's commitment to implement its policies through the Executive Director and to rely on the Executive Director to handle the administrative functions of the District. Board members should request desired information from the Executive Director

rather than from other employees of the District. Board members also should refer inquiries, information, complaints, and other communications made to them by residents about District matters to the Executive Director. Board members also should support the actions of the Executive Director when those actions have been directed, ratified, or otherwise supported by the Board.

Example #2

Park Board members should honor and respect the Board’s delegation of authority and responsibility to the Executive Director by:

- (a) requesting desired information directly from him/her
- (b) referring to his/her recommendations for policies, programming and finances,
- (c) refraining from acting on any complaint until after the Executive Director has had an opportunity to investigate fully and report; and
- (d) supporting approved actions of the administration.

3. Evaluation of Executive Performance

The Board of Commissioners shall conduct an evaluation of the Executive Director as specified in the employment agreement.

4. Board Interaction with Other District Employees

Example #1

The Board recognizes that the only staff member that answers to the Board is the Executive Director, and that all staff members answer to him/her and not to the Board as a whole or to any one Commissioner. It is best for the Commissioners to recognize the line of authority and not ask staff for special favors or seek information from staff that is not available to the general public. If a Commissioner has any questions or concerns about staff, operations or procedures, the Commissioner should bring the issue to the Executive Director for discussion.

Example #2

No Board member shall inhibit, obstruct, or otherwise interfere with any District employee in the performance of his or her assigned duties. All inquiries relating to a District employee should be directed only to the Executive Director.

5. Board and Director Administrative Procedures

Example #1

The Board may adopt policies and authorize the Executive Director to formulate rules and procedures to implement the adopted policies.

Example #2

Administrative regulation is any plan or course of action formulated, developed, and implemented by the Executive Director to facilitate day-to-day District operations within the respective policy guidelines established in writing by the Board. Administrative regulation directly guides the staff in providing efficient and enjoyable recreational experiences for the public by detailing the specific course of action to be taken within the general framework of policy. The Executive Director shall have the function and responsibility of specifying the action required and design the detailed arrangements under which the District will be operated. These detailed arrangements and specific actions shall constitute the Administrative/Operational Procedure governing the day-to-day operations of the District. They must in every respect be consistent with the policies formulate adopted by the board. The Executive Director will review the Administrative/Operational Procedures Manual on an annual basis.

G. Board Support

1. Park District Attorney

Example #1

It is hereby declared to be the policy of the Board of Park Commissioners to review its selection of legal counsel when and if not less than a majority of its members determines that the District does not have a satisfactory relationship with its legal counsel, and in such case the staff shall make recommendations to the Board, based on relevant considerations, including qualifications and fees, regarding the selection of legal counsel. The Board shall conduct an Annual Review of the Attorney's services, to be completed at the same time as the Executive Director review. The attorney shall furnish legal opinions and advice on matters connected with the administration of the Park District, to the Board, its members, committees, the Executive Director or the Secretary of the Board. The Attorney shall attend Board meetings and shall see that Policies and Procedures adopted by the Board of Commissioners are strictly followed at all Board meetings. The Attorney shall appear for and protect the rights and interest of the District as designated in cases, suits and proceedings brought by or against the District, the Board or any member, officer or employee in official capacity. The Attorney shall review all ordinances, resolutions and other instruments as required by the Board or any committee thereof, and shall give opinions on all questions referred to them and perform such other duties as directed by the Board or any committee or the President of the Board. The Attorney has charge of all legal matters and of the

prosecution and, subject to the terms of insurance or risk pool coverage afforded to the District, defense of all litigation involving the District. They draft all ordinances, resolutions and other instruments required by the Board, and they give opinions on all questions referred to them. The Attorney shall act as the Ethics Officer for the Board of Commissioners. The Attorney shall notify the Board of any existing or potential conflict of interest in regard to their retention and/or litigation pertaining to the District.

Example #2

The attorney(s) shall be the advisor(s) of the Board and staff in all legal matters concerning Park District affairs. The remuneration and working arrangements of the attorney(s) shall be reviewed yearly by the Board of Commissioners via an annual appointment and execution of a contract agreement.

Example #3

The attorney shall advise the Board concerning all legal matters and shall be responsible for the prosecution and defense of all litigation in which the District is interested. The attorney shall draft all ordinances, resolutions and other instruments as may be required by the Board.

2. Park District Auditor

Example #1

In furtherance of its duty to have the accounts of the Park District audited annually and its power to engage an auditor, it is hereby declared to be the policy of the Board to review its selection of auditors prior to the end of the term of each audit contract, and for the staff to make recommendations to the Board based on qualifications and fees regarding the selection of an auditor via a full-scale competitive process.

Example #2

The auditor audits the Park District's financial records in accordance with the laws of the State of Illinois using generally accepted auditing and accounting practices, conducts an annual audit of the Park District's revenues and expenses, and prepares and presents an annual report to the Board of Commissioners.

3. Use of Expert Consultants

Example #1

The Board recognizes the need from time to time to utilize the services of consultants for a special project or projects. The Executive Director shall appoint such engineers, architects,

planners and others as they determined prudent, and shall determine the consultant's amount of compensation, if any. When applicable, such appointments shall be made in accordance with the requirements of the Local Government Professional Services Selection Act. The Executive Director shall keep the Board involved on all aspects relating to such an appointment, and shall work directly with the consultant in completing their assigned responsibilities and tasks.

Example #2

The Board may retain, or authorize the Executive Director to retain, consultants and other independent contractors, from time to time, as may be required or deemed desirable, defining and prescribing their respective duties and services and compensation. Such consultants may be required due to specialized skills or the retention of such constitutes a more cost effective solution to completing a project or study. The process of retention will be in compliance with section 8-1(c) of the Park District Code, concerning bid requirements unless the service required is so specialized that bids are deemed impractical.

4. Attendance at Conferences and Seminars

Example #1

The District encourages the professional development of Commissioners in the field of recreation services. As such, opportunities to attend and participate in professional conferences, conventions, workshops, seminars and technical meetings offered by organizations like the Illinois Park and Recreation Association (IPRA), National Recreation and Park Association (NRPA) and Illinois Association for Park Districts (IAPD) and other similar associations shall be provided at District expense subject to budgetary constraints and in accordance with the District's Ordinance Regulating and Establishing Procedures for Reimbursement of Travel, Meal and Lodging of Officers and Employees of the Park District and the Per Diem Policy. Attendance at these sessions helps to improve the Board's general knowledge of recreational issues and trends.

Example #2

Because it is important that Park Board Commissioners keep themselves informed of relevant issues regarding the governance of park districts, attendance at conferences or seminars such as the IAPD/IPRA Soaring to New Heights Conference and the NRPA Conference is encouraged. Any Commissioners who wish to, may attend such a conference or seminar provided that:

- (a) A majority of the Board agrees that the conference or seminar is relevant to Board issues or processes.
- (b) A majority of the Board agrees on the reasonableness of the anticipated total costs.

5. Professional Associations

Example #1

The Park District shall establish membership in and pay dues for Board members to the National Recreation and Park Association (NRPA) and the Illinois Association of Park Districts (IAPD) or any other professional association approved by the Board. Because both the NRPA and IAPD serve the educational, legislative and research needs of the Board, which subsequently benefit the District, and because members of the NRPA and IAPD boards of directors and committees are drawn from commissioners from throughout the nation and state, the Board encourages its members to serve on the boards and committees of NRPA and IAPD and shall reimburse any and all usual and customary expenses incurred by Board members which are directly related to their involvement with NRPA and IAPD boards or committees.

Example #2

The Board recognizes the benefits derived from having memberships in various professional and civic organizations. Therefore, the Board shall subscribe to memberships for the District in the following organizations, and such other organizations as the Board shall deem appropriate:

- National Recreation and Park Association (NRPA)
- Illinois Association of Park Districts (IAPD)
- Illinois Park and Recreation Association (IPRA)

The Board shall designate a representative of the District who shall be authorized to cast ballots for any action to be voted upon by the District as it relates to its membership in these organizations. The Board shall be informed of issues submitted by these organizations prior to the casting of a ballot, when possible, and then the Board will inform the representative as to what action is to be taken.

H. Board Commissioner Ethics

1. Employment Limitations

Example #1

No Commissioner shall be a paid employee of, or contractor to, the District, except as may otherwise be provided by the Illinois Public Officers Prohibited Activities Act. Staff shall not process any application for employment which is submitted by an incumbent Commissioner. No Commissioner shall be an employee of an Affiliate of the District.

Example #2

Each action taken by Board members in the course of their duties will be motivated by the

District's best interests and should, therefore, be free of outside influence and self-interest. Board members shall have no direct or indirect financial interest in any aspect of the District's operations. Board and staff members will see to it that that the Board is aware of all memberships or financial interest in companies or organizations doing business with the District. Individual Board members are expected to recuse himself/herself from any discussion and/or voting matters in which he/she may have a direct or indirect financial interest. State law requires elected officials, appointed officials, and certain local and county government employees to file a Statement of Economic Interest with the Clerk's office. These documents, which disclose an individual's financial interests, are filed annually and are due May 1.

2. Incompatibility of Office

A local elected official may not simultaneously serve on more than one elected or appointed board of a unit of local government if the holding of two or more elected or appointed offices or positions constitutes an incompatibility of office. For example, Illinois courts have found that the following elected positions are incompatible: Board of Park Commissioner and City Alderman or Trustee and Board of Park Commissioner and Library Trustee.

3. Ethics and Conduct

Example #1

Board members of the Park District are expected to be of high moral and ethical character and work together as a team to serve the community by providing memorable experiences in parks and recreation that enrich our communities. Each Board member is expected to act in the best interests of the District and be free of outside influence and self interests. In accordance with this policy, Board members will educate themselves about, and comply with, all other federal, state and local laws, regulations, and ordinances applicable to the conduct of the Park District's elected officials. These include, but are not limited to, the Park Districts Ethics Ordinance, Public Officers Prohibited Activities Act, the Official Misconduct, Bid Rigging Act, the Illinois Human Rights Act, and the Open Meetings Act. Accordingly, Board members must:

- (1) On a yearly basis, file a Statement of Economic Interests with the County Clerk and participate in Sexual Harassment Prevention and Response training that complies with section 2-109 of the Illinois Human Rights Act (IHRA).
- (2) Always keep the best interests of the Park District in mind
- (3) Understand and respect the separation of Board responsibilities and functions from those of the Executive Director and staff
- (4) Be available and responsive to the residents of the District
- (5) Represent all the residents of the District and avoid partisanship based on special interests
- (6) Communicate with fellow Board members and the Executive Director.
- (7) Understand and follow all provisions of the Illinois Open Meetings Act
- (8) Be properly prepared for Board deliberation

- (9) Avoid public promises or statements regarding a vote or position on an issue prior to an official meeting
- (10) Publicly accept and endorse majority decisions of the Board.
- (11) Make decisions regarding District policies and operations based upon reports, facts, and study, and not upon personal interest or bias
- (12) Respect the confidentiality appropriate to issues of a sensitive nature
- (13) Recognize that an individual Commissioner has no legal authority to determine policy, give directions to District personnel, or to act or speak for the Board unless specifically authorized to do so by official Board action
- (14) When the Board must decide upon an issue about which a Commissioner may have an unavoidable conflict of interest, that Commissioner must disclose the interest, and recuse himself/herself from all discussion, deliberation and vote taking about the issue, as required by applicable state and federal law
- (15) Develop productive relationships with other elected officials at the federal, state, and local level
- (16) Participate in Board development opportunities

Example #2

Ethics Act. Commissioners must file a statement of economic interests, pursuant to the Illinois Governmental Ethics Act, with the County Clerk of the County (5 ILCS 420/1-101, *et seq.*)

Legal Authority. The Board, as a whole, is the legal corporate authority of the District. As an individual, a Board member has no legal authority to determine policy, give directions to District personnel, or to act or speak for the Board unless specifically authorized to do so by official Board action. The Park District is governed by numerous statutes of the State of Illinois, the principal authority is the Illinois Park District Code (70 ILCS 1205/1-1, *et seq.*) hereafter, “Code”, which is a codification of the general law relating to park districts in Illinois. References and excerpts from the Code and other related laws may be made in this manual.

Representation. Board members represent all the residents of the District and should avoid representing special interest groups. Board Members should also avoid making public promises or statements regarding their votes or position on an issue prior to an official meeting.

Code of Conduct. The Park District Board recognizes the need for decision-making and public responsiveness, which requires a commitment to ethical, business-like and lawful conduct including proper use of authority and appropriate decorum when acting as a Board member. Accordingly, each Board member will:

- (a) When outside of Board meetings, avoid making individual pronouncements and public conjectures about agency matters not yet decided by the Board.
- (b) Represent all the people of the community while avoiding partisanship based on special interests.
- (c) Engage in no self-dealing or the conduct of any private business or personal services between any Board member and the organization except as statutorily controlled and authorized to assure openness, competitive opportunity and equal access to “inside”

- information.
- (d) Recuses him/herself from discussing or voting on an issue about which he/she has an unavoidable conflict of interest.
 - (e) Not promise in advance of a meeting how he/she will vote on any issue, reserving judgment until all facts have been presented.
 - (f) Not use his/her position to obtain employment for him/herself, for family members or close associates.
 - (g) Make decisions involving the welfare of the agency based on study and evidence, recognizing that personal feelings, opinions and other such factors are not conducive to sound decision-making; and understand that respecting the opinions of fellow Board members is vital.
 - (h) Accept principle of Board unity by supporting majority decisions of the Board.
 - (i) Respect the Board's commitment to work with the Director by:
 - (i) Requesting desired information about the agency's programs directly from him/her,
 - (ii) Referring to his/her suggestions for new policies,
 - (iii) Seeking his/her professional advice,
 - (iv) Refraining from acting on any complaint until after the Director has had an opportunity to investigate fully and report to the Board, and
 - (v) Wholeheartedly support board-approved actions of the Director and his/her staff.
 - (j) Recognize that the individual Board member has no more authority over agency policies or operations than any other citizen and shall speak or act for the Board only when specifically authorized to do so by action of the Board.
 - (k) Understand and respect the separation of Board responsibilities and functions from those of the Director and Staff. The Board's responsibility is to ensure that the agency is well managed – not to manage the agency.
 - (l) Consider unethical and thus avoid "secret" sessions of the Board held without the presence of the Director or in violation of the Open Meetings Act.
 - (m) Respect the confidentiality appropriate to issues of a sensitive nature.
 - (n) Commit to regular attendance at Board meetings and be properly prepared for Board deliberation.
 - (o) Understand and follow all provisions of the Illinois Open Meetings Act, as well as any other applicable statutes that govern the conduct of elected officials.
 - (p) Participate in Board development opportunities.
 - (q) Develop productive relationships with other elected officials at the state, local and national levels.
 - (r) Be available and responsive to the residents by interpreting the needs of citizens to the agency and be interpreting the actions of the agency to citizens without favor of any particular geographic area or interest group.
 - (s) Keep the best interests of the agency in mind by considering him/herself a "trustee" of the agency and doing his/her best to ensure that it is well maintained, financially secure, growing and always operating in the best interests of those the agency serves.

- (t) Respect, listen and communicate with fellow Board members and the Director.
- (u) Make a committed effort to continuing education and be well informed about issues and trends that could affect the agency.

Board Decisions. Board members should make non-partisan decisions regarding District policies and operations based upon reports, facts, and study, not upon personal interest or prejudice.

Board Unity. Board members should accept and endorse majority decisions of the Board and align themselves with Board policies, goals and objectives.

4. Employment of Relatives

Relatives of the Board of Commissioners, Executive Director, department heads and any employee reporting directly to the Executive Director may not be employed by the district in any capacity or hired directly as an independent contractor. For all other district employees, if members of their family are employed by the Park District, one may not directly supervise the other. If conflict arises, the Executive Director and/or the Board of the Park District may act in the best interest of the district to avoid any perceptions of conflict of interest. Relatives are defined as: parents, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step relative, or any person with whom the employee has a close personal relationship such as a domestic partner, romantic partner or co-habitant. Any questions concerning this policy should be directed to Human Resources.

I. Official Seal, Logo, Statements, and Other District Resources

1. Use of Park District Letterheads

Board Commissioners may use the Park District's official letterhead under the following circumstances:

- (a) The Board President has determined that it would be in the best interest of the Board of Park Commissioners to send individual letters representing an agreed-upon opinion of the Board; and,
- (b) Letterhead may be used for other correspondence with approval of the Board.

No other uses are allowed. A Commissioner must distribute a copy of District letterhead used as described above to the other Board commissioners.

2. Use of Corporate Seal

The corporate seal of the District will be used whenever any certificate, deed, bond, or other instrument is required by law or general usage, to be executed under the corporate seal of the

District. The Secretary is designated as the custodian of the corporate seal and is charged with its proper use and safekeeping.

3. Media Relations

The designated spokespersons for the District are the Board President, Executive Director and legal counsel (where applicable). Requests by the media for comments relating to an event should be referred to those representatives. Under some circumstances it may be appropriate for a Board Member other than the President to speak to a media representative about a matter with which that Board member has particular experience or expertise. It is never appropriate, however, for a Board Member to speak to a media representative without first knowing all of the facts and circumstances about the matter of inquiry. If a Board member speaks for themselves, then that Board Member should be fully informed about the matter at hand and should clearly state that his or her comments are being made as a private resident and not as a representative of the District. Even then, a Board Member should remember that comments made as a private resident are likely to be attributed to the District.

4. Commissioner Use of District Email

Example #1

The Board of Park Commissioners' email system is intended for use by Commissioners in carrying out their official duties in accordance with applicable laws, including, but not limited to, the Open Meetings Act. Each Commissioner's District email account shall be hosted on District servers.

Prohibited Use of Private Email Accounts: Stored email communications are subject to any and all State statutes (including, but not limited to, the Freedom of Information Act (FOIA)), laws, rules and regulations, and the legal process and may be used as evidence in court or other official proceedings. Therefore, to minimize the potential need to search Board private emails as part of a FOIA request and to facilitate the full-disclosure of District documents as part of the public record, Board Commissioners must use their District email account for all District business and are required to forward any District emails sent to a private email account to his or her designated District public email account.

Retention: The Board of Park Commissioners understands that even "deleted" electronic messages may be stored in the applicable system for an indefinite duration and that the act of "deleting" a message does not totally eliminate it.

Passwords: Each Commissioner will be assigned an individual password to his or her email account by the Director of Information Technology. Individual passwords shall not be shared with ANYONE, at ANY TIME, for ANY REASON with the exception of a request for or necessary maintenance that must be performed by the Director of Information Technology, which will require a password reset.

Example #2

District Board of Commissioners has access to one or more forms of electronic devices, media and services (district-issued technology equipment or electronic devices, district-issued email addresses, and district-provided Internet access are collectively referred to herein as the "Park District Computer System").

The Park District encourages the use of these media and associated services because they make communication with both staff and board members more efficient and effective and assists the district in staying compliant with the ever changing Open Meetings Act and FOIA law requirements.

The following procedures apply to all electronic media and services used in connection with the Park District Computer System, which are: accessed on or from park district premises for matters related to the park district or its governance; accessed using Park District Computer equipment or via park district-provided access; means or methods for matters related to the park district or its governance; or used in a manner which identifies the individual as being authorized by the park district to access the Internet through the Park District Computer System.

It is recommended that commissioners only use the district-issued technology equipment and district-assigned email address for all matters related to the park district or its governance and refrain from sending blanket emails that could be viewed as an attempt to transact district business, which could then result in an Open Meetings Act violation. Personal or incidental use of district-issued computers and emails for matters not related to the park district or its governance are strongly discouraged. Electronic communications regarding matters related to the park district or its governance whether conducted on district-issued or privately-owned, personal electronic devices or equipment are subject to FOIA according to Public Access Counselor. "When using electronic resources such as email and text messages to discuss public business, it is best to assume that the public may ultimately gain access." Public Access Opinion No. 11-066 (2011 PAC 15916).

Board members should therefore not assume electronic communications are totally private and confidential when using any form of the Park District Computer System. Any legal considerations that apply to written communications also apply to email, text messages, and other forms of electronic or digital communication, including confidentiality issues and intellectual property concerns.

For system protection, software downloaded from the Internet will be prescreened with Norton Anti-Virus and must be approved by the Information Technology Manager for download. Also, email messages will be screened for viruses as they enter the park district network and infected messages/attachments will be removed.

All personal login passwords are confidential and for individual use only. This is a board member's security code to network components along with their personal mailbox. We strongly suggest board members log off their workstations when they will be away from their computers.

Upon request, the district's Information Technology (IT) Department will provide district issued technology equipment for board member's use at home and/or at monthly board meetings. Each board member will take responsibility for the care and protection of district issued equipment while in their possession. Commissioners will be issued district email addresses including login and password credentials.

It is advised that Commissioners check their emails on a regular basis to stay current and updated on all park district business and issues and to respond back on a timely basis if response is needed. Before responding to emails, however, bear in mind that discussion, whether undertaken by contemporaneous or sequential electronic communications on matters related to the park district or its governance could amount to a violation of the Open Meetings Act. Accordingly, viewing information and disseminating information should be limited so as to avoid the communications, when taken as a whole, from becoming a deliberative dialogue that effectively defeats the requirements of an open meeting under the Open Meetings Act.

Monthly board packets are accessible electronically via district-issued emails. Agendas and all related current board reports will be sent electronically four days prior to the scheduled monthly meeting. Hard copies of board packets will also be available upon request.

All maintenance or software issues will be addressed by contacting the Information Technology (IT) Manager. One-on-one training is available for any aspect of the district's electronic media and its applications. Board of Commissioners feedback is always welcome.

J. Donations and Funding Requests

1. Requests for Funding from Outside Organizations

To request funding from the Park District, an affiliated or non-affiliated organization must submit a proposal. The proposal must include a description of the request, the population to be served by the request, the benefits to the community, and the need for the request. The proposals should also include the following:

- (a) A statement of purpose and description of the group's activities and guidelines;
- (b) Budget for the current fiscal year;
- (c) A list of officers;
- (d) One or more of the following: written minutes of meetings, newsletters, quarterly report and/or flyers distributed for the past twelve months; and
- (e) Description of annual activities. The Executive Director will review the request within one month of receipt of the proposal. If necessary, the organization may be required to present its proposal to the Executive Director and/or the Board to answer questions and

provide clarification, if necessary, on the proposal. The Executive Director will provide a recommendation to the Board. All requests must further the District's mission.

2. Donor Recognition

The Board shall encourage the beautification of the parks by providing a recognition tag on a tree for all individuals and groups who donate sufficient monies to allow planting of a tree or significant landscaping materials in remembrance of someone. The type of tree may be determined by the individual or group donating the funds but the District reserves the right to determine the quality and size of the tree, as well as the plantings in the landscape plan and its location on District property.

3. Naming and Renaming of Park Facility Sites

Example #1

It is the responsibility of the Board to select names for new parks, buildings, and facilities ("Park Property"), or when appropriate, to change the existing name(s) of Park Property of the District. This statement of policy is intended to define the method of naming or renaming Park Property and to outline the conditions governing the selection of names.

- (a) Park Property should be named only after discussion. A four-fifths vote is needed to name a Park Property or to change the name of Park Property of the District.
- (b) Park Property may be named after individuals or groups who may have made substantial donations of Park Property or who have made substantial contribution toward the development of Park Property or community.
- (c) Park Property may be named after subdivisions, streets, geographical locations, historical figures, events, or concepts.
- (d) In addition, the Board may hold public contests for naming of Park Property. Such contests shall also be subject to policies outlined above and are advisory, not binding.
- (e) At the discretion of the Board, naming rights may be negotiated and granted to a business or organization for a period of time and in exchange for a dollar amount that is mutually agreed upon by the Board and the business or organization.

Example #2

It shall be the responsibility of the Board of Park Commissioners to select names for new parks, or when appropriate, to change the name(s) of existing parks. This statement of policy is intended to define the preferred method of naming or renaming parks and to outline the conditions governing the selection of names.

- (a) Parks should be named only after discussion and then a wait of at least two months before voting on it.
- (b) Parks may be named after street, geographical locations, historical figures, events, or concepts.
- (c) Parks may be named for individuals who have made exceptional contributions to the

community. Concerning Park District Commissioners or Officials, the person must no longer be in office.

- (d) Parks may be named for individuals or groups who have made donations of land or have made substantial contribution toward development of said land.
- (e) In addition, the Board of Commissioners may hold public contests for the naming parks. Such contests shall also be subject to the policies outlined above.

K. Board Policy Evaluation, Revisions, and Separability

1. Evaluation

Example #1

The Board of Commissioners policies shall be evaluated and reviewed at least once every two years.

Example #2

It is the intention of the Board to review these policies at a minimum biennially for consistency with applicable law and the practices of the Board and District. These policies may be revised in writing by majority vote of the Board.

2. Revisions

Example #1

From time to time, State laws are changed, and local ordinances and policy matters are instituted. Also changes in economic or social conditions result in changes to policies and operating procedures. As changes and additions occur, they need to be assimilated for ready reference in order that they may be consistently adhered to by all those involved in conducting the affairs of the Park District. A comprehensive review of all policies must be conducted at least every three years. Any of these policies may be changed or additions made thereto by a majority vote of the Board of Commissioners at any regular or special meeting of the Board as properly posted.

Example #2

The Board may periodically review the policies contained in this Policy Manual and revise or amend them from time to time as it deems appropriate at a regular or special meeting of the Board by not less than three members, except where by law a greater vote is required.

3. Separability

Example #1

If any policy or part thereof contained in this Policy Manual shall be determined invalid in a

court of law, such determination shall not affect the validity of the remaining policies or parts thereof. Likewise, if the application of any policy is found unenforceable in a court of law, such finding shall not affect all other lawful applications of such policy.

Example #2

If any policy or part thereof contained in the policy manual shall be determined invalid in a court of law, such determination shall not affect the validity of the remaining policies or parts thereof.

II. BOARD MEETINGS

A. In General

1. Regular Meetings

Example #1

Regular meetings of the Board shall be held on the first and third Tuesday of each month at 4:30p.m. and 6:00p.m. unless otherwise stipulated by the Board. If the day of any meeting falls on a legal holiday, the meeting shall be held when designated by the Board. In December of each year, the Board shall establish a calendar of workshops and meetings for the coming year and for the fiscal year and shall give public notice of same in accordance with Section 2.02 of the Open Meetings Act.

Example #2

The regular meeting of the Board will generally be held on the fourth Thursday of the month at 7:00 p.m. Should it be necessary to change the time, date or location, the Board shall do so and provide notice of that meeting consistent with the Illinois Open Meetings Act. The dates and times are generally established upon the adoption of the next fiscal year's schedule of meetings, usually by February.

2. Special Meetings

Example #1

Special meetings of the Board may be called by the President whenever he or she shall deem it necessary or shall be called by the President at the request of any two Commissioners. Notice of any such special meetings shall be published as required by the Open Meetings Act 5 ILCS 120/1, *et seq.* Special meetings may not be held on legal holidays.

Example #2

Special meetings of the board may be called by the President whenever they shall deem it necessary, or may be called by the President at the request of any two Commissioners. Written notice must be given to each commissioner of the time and place of the special meeting by mail, fax, and or email at least forty-eight (48) hours prior to the meeting.

3. All Meetings

Example #1

All regular, special, and continued meetings of the Board and any committees and other Board-appointed task forces and commissions shall be noticed and conducted in accordance with the Illinois Open Meetings Act (OMA). All meetings shall be open to the public except when an closed session is called in accordance with the OMA.

Example #2

All regular, special, continued and committee meetings shall be open to the public except when an executive (or closed) session may be called. Adjournment of a regular or special meeting to a later date may be duly taken by Board action. At such adjourned meetings, all business may be regularly transacted which would have been proper in the meeting from which adjournment was taken.

4. Closed Sessions

Example #1

The Board can hold a closed session if the discussion during the meeting falls within the exceptions for an open meeting set forth in the Illinois Open Meetings Act. Examples of exceptions include personnel issues pertaining to specific employees, collective bargaining with employees, the appointment of an attorney, purchase or lease of real property, setting a price for sale or lease of property and litigation. The law also specifies that all public bodies must keep a verbatim record of all closed meetings in the form of an audio or video recording for no less than eighteen (18) months after the meeting. The verbatim record can only be destroyed if certain requirements are met. The Board cannot take action during a closed session. (5 ILCS 120/)

Example #2

Such session may be requested in motion form by any Board member during the course of any regular or special meeting, or for a future regular or special meeting, as defined by the Illinois

Open Meetings Act. The motion must be passed by a roll call vote. Closed Sessions shall be tape recorded per the Illinois Open Meetings Act. All Board action must be conducted in open meeting.

B. Meeting Preparation

1. Agenda Preparation

Example #1

The Director and Board President are responsible for preparing the agenda for each meeting taking into account the annual planning calendar and suggestions made by Board members. When possible, copies of the agenda, minutes of the previous meeting, and relevant supplementary information will be delivered to each Board member the Friday before the Tuesday Board meeting. Consent Agenda items that have been fully considered by the Board or are routine and non-controversial may be approved by one motion. Items on the Consent Agenda may include but are not limited to, minutes, reports, resolutions, ordinances, bid awards, and agreements. Any Board member may remove any item from the Consent Agenda for separate consideration and action by request to the President during the meeting.

Example #2

The Executive Director, with the input of the presiding officer and the division superintendents, is responsible for the preparation of the agenda for all Board meetings including committee meetings. A Commissioner may also ask that an issue be included on a meeting agenda.

2. Additional Meeting Materials

Example #1

The agenda and minutes from the prior Board meeting and any other relevant information which will be discussed at a regular and special Board meeting will be distributed to the Board no less than three (3) days prior to the scheduled Board meeting (e.g., on Friday prior to a Monday meeting). This policy provides the Board adequate time to review the packet materials prior to the meeting.

Example #2

An electronic board packet will be made accessible to the Board in a timely manner, generally the Friday preceding a regular meeting, via the Park District's shared computer drive. In the case of a special meeting, the packet will be posted on the shared drive as soon as practicable.

3. Public Notice

Example #1

Public notice of all regular, annual and special meetings of the Board shall be provided as prescribed in the Illinois Open Meetings Act or other applicable state statutes, including posting on the District's website (5 ILCS 120). Any notice of the annual schedule of meetings must remain posted on the District's website and updated when a new schedule of regular meetings is approved.

Example #2

The schedule and public notice of all regular, rescheduled or reconvened Board meetings for each calendar year shall be made available in accordance with the Open Meetings Act (5 ILCS 120/).

C. Conducting Meetings

1. Rules of Procedure

Example #1

To the extent not otherwise provided in these policies or other rules or procedures of the District, the Board may rely on the parliamentary procedures set forth in Robert's Rules of Order to resolve questions of procedure.

Example #2

Except when in conflict with the Illinois Park District Code or District Bylaws, or as otherwise allowed by the Chair (President), Robert's Rules of Order shall govern the conduct of all meetings.

2. Order of Business

Example #1

The business of the Park Board shall be transacted in the order outlined below, unless changed and noted on posted agenda:

- 1) Call to Order
- 2) Roll Call
- 3) Amend, Add or Delete an Item to the Current Agenda
- 4) Public Comment
- 5) Approval of Minutes
- 6) Reports of Park Officials
 - (i) President
 - (ii) Attorney
 - (iii) Executive Director
 - a. General Updates
 - b. Marketing & Public Relations Report
 - c. Human Resources Report
- 7) Reports
 - (i) Finance
 - a. Written Finance Report
 - b. Monthly Report By Funds
 - c. Approval of Expenditures
 - Voucher List
 - (ii) Recreation
 - a. Written Recreation Report
 - (iii) Buildings and Grounds
 - a. Written Buildings and Grounds Report
 - (iv) Policy
 - (v) Intergovernmental
- 8) Communications and Correspondence
- 9) New Business
- 10) Closed Session, if any
- 11) Adjournment

Example #2

The order of business at Open Meetings of the Board shall include:

- (1) Call Meeting to Order
- (2) Pledge of Allegiance and Moment of Silence
- (3) Roll Call
- (4) Addenda to Agenda
- (5) Consent Agenda (Approval of minutes, financial reports, department reports, bid documents, etc.)
- (6) Presentations and Special Recognition
- (7) Public Comment
- (8) Attorney Business
- (9) Executive Director Business

- (10) Continued Business
- (11) New Business
- (12) Closed Session
- (13) Return to Open Session
- (14) Adjournment

Example #3

The order of business at all regular meetings of the Board will be as follows:

- (1) Call to Order
- (2) Executive Session (as needed)
- (3) Accept Agenda
- (4) Public Hearing (as needed)
- (5) Public Comment
- (6) Consent Agenda
- (7) Reports
 - (a) Park District Advisory Committee
 - (b) Financial/Treasurers
 - (c) Director
 - (d) President
 - (i) Review of Upcoming Meeting Agenda
 - (e) Committees and Liaison Reports
 - (i) Standing and Special Board Committees
 - (ii) Special Reports
 - (iii) Parks Foundation Representative
 - (f) Old Business
 - (g) New Business
 - (h) Direction to Staff
 - (i) Comments from Commissioners
 - (j) Adjourn

3. Quorum

Example #1

A majority of the duly elected and qualified Commissioners constitute a quorum for the transaction of business; provided, however, that if no quorum is present, the Commissioners attending may adjourn the meeting until a quorum is obtained.

Example #2

A majority of the duly elected or appointed, commissioners will constitute a quorum. If no quorum is present, the Commissioners attending must adjourn the meeting.

4. Electronic Attendance

Example #1

In accordance with the Illinois Open Meetings Act, the following rules prescribe conduct of regular or special meetings, including closed sessions of the Board of Park Commissioners, when conducted wholly or partially via electronic means. Electronic means is defined as video or audio conference and can be used as long as a quorum of the Board Commissioners is physically present at the meeting. These rules for meetings conducted via electronic means shall supplement those rules of Board meetings where Commissioners are physically present.

- (a) Except where it is not practicable, a Commissioner of the Board who cannot be physically present at a public meeting for one of the reasons herein provided and who wishes to attend by the use of electronic technology shall give notice to the Board Secretary and inform him or her of the type of medium through which, and the location where, he or she will attend the meeting not less than forty-eight (48) hours before the meeting date.
- (b) Notices of Board meetings to be conducted in whole or in part via electronic means shall be given in accordance with the Open Meetings Act. Public notice of special or regular meetings where any Board Commissioner attends via electronic means, and when it is known forty-eight (48) hours in advance of such meetings, shall contain the names of the Board Commissioners who will be attending in that manner, the type of medium through which they will attend and a listing of locations, if any, where the public may attend the meeting through the use of the technology in addition to the designated meeting site.
- (c) If it is not practicable for a Board Commissioner to give forty-eight (48) hours notice and the Board Commissioner will be unable to be physically present at a special or regular meeting for one of the reasons herein provided and wishes to attend through the use of electronic technology, then, on the date of the meeting, prior to convening the meeting, the Board President shall announce the method of attendance to the public and the reason.
- (d) A Board Commissioner may be permitted to attend a Board meeting by electronic means to the extent allowed by this policy only by a majority vote of all sitting Board commissioners.
- (e) If the Board President attends the meeting through the use of electronic technology, he or she shall vacate the chair and the Board Vice President who is physically present, shall preside. If both the President and Vice-President are not in attendance, Commissioners will serve as President Pro Tem in ascending order based on the first initial of his or her last name (A to Z) and subsequent initials, if necessary.
- (f) Board Commissioners may attend a meeting without being physically present if physical attendance is prevented by:
 - (i) personal illness or disability;
 - (ii) absence from the Park District due to official Park District business or employment purposes;

- (iii) family or other emergency, in which the emergency shall be stated on the record and be part of the minutes of that meeting.
- (iv) Unexpected child care obligations.
- (g) When one or more Board Commissioners attend a meeting by electronic technology, all votes shall be by roll call.
- (h) The Board Commissioner(s) attending the meeting by electronic means must be able to hear all motions, votes and remarks made by those Commissioners physically present and comments by members of the public who attend the meeting. All Board Commissioners and members of the public who are physically present at the meeting must be able to hear all motions, votes and remarks made by the Board Commissioner(s) attending the meeting by electronic means. If not, in both cases, the Board Commissioner will be considered absent.
- (i) No more than two Commissioners of the Board may attend a meeting through the use of electronic means.
- (j) Also, a quorum of the Board must be physically present.
- (k) Any Board Commissioner shall be considered present when the Commissioner is present by teleconference or other electronic means where voices are received from any location.
- (l) The non-physical presence of a Commissioner attending via electronic means cannot exceed twelve (12) times per fiscal year.
- (m) Minutes of Meeting: The Secretary shall record whether Commissioners were physically present or present via electronic means.

Example #2

A member of the Board of Commissioners may attend a meeting from a remote location if the member meets the following conditions: a quorum is physically present throughout the meeting, and a majority of a quorum of the Board of Commissioners votes to approve the remote attendance:

- (a) The member should notify the Board Secretary at least 24 hours before the meeting so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
- (b) The member must assert one of the following four reasons why he or she is unable to physically attend the meeting:
 - (i) The member cannot attend because of personal illness or disability; or
 - (ii) The member cannot attend because of employment purposes or the business of the Park District;
 - (iii) The member cannot attend because of a family or other emergency; or
 - (iv) The member cannot attend because of unexpected child care obligations.

Voting Procedures: After a roll call establishing that a quorum is physically present, any member present may move that a member be permitted to participate remotely, specifying the reason

entitling the absent member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed, pursuant to the terms and conditions of the prerequisites as outlined in this policy. The motion must be approved by a vote of a majority of the Board. The member participating remotely and other members of the Board of Commissioners must be able to communicate effectively, and members of the audience must be able to hear all communications.

Before approving remote attendance at any meeting, the Board of Commissioners shall provide equipment for the meeting room adequate to accomplish this objective. A member permitted to participate remotely will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote member shall be called during any roll call vote taken, and his or her vote counted and recorded by the Recording Secretary and placed in the minutes for the corresponding meeting. A member participating remotely may leave a meeting and return as in the case of any member. The term “meeting” as used herein refers to any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purposes of discussing public business. A quorum of the Board of Commissioners must be physically present at any closed meeting. Members participating remotely shall otherwise be entitled to participate in closed meetings by video or audio conference, in the same manner as at an open meeting. This policy shall apply to all committees and boards established by authority of the Board of Commissioners. However, when remote attendance is possible only by audio connection and an off-site member will be unable to view visual exhibits or demonstrations which may influence a decision by the committee or board, remote attendance should not be approved.

An open or closed meeting may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met per 5 ILCS 120/7 (e):

- (a) The remote meeting authorization is effective only when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns that cover all or part of the jurisdiction of the District.
- (b) The Board President must make a determination that an in-person meeting is not practical or prudent because of a disaster. That determination should be stated at the meeting and included in the minutes.
- (c) All Board members need to be verified at the meeting and must be able to hear one another and all discussions at the meeting.
- (d) The public must be given access to the meeting (via phone or web-based link), and be able to contemporaneously hear all discussion and votes.

- (e) A Board Member or the Executive Director or the Board Attorney must be physically present at the meeting place unless it is not feasible because of the disaster.
- (f) All votes must be by roll call.
- (g) Notice must be provided in accordance with the OMA.
- (h) Meetings must be recorded – including open sessions and recordings kept on file for 18 months.

5. Use of Electronic Devices During Board Meetings

Board Commissioners may possess electronic devices, video and audio recording devices including, but not limited to, cellular telephones, cameras and tablets at Board meetings. However, Board Commissioners can only use these devices according to the following guidelines and restrictions:

- (a) Electronic communication devices may be “on,” but must be set to a silent/vibrate mode.
- (b) Board Commissioners are not to communicate to any Board commissioner, District employee or the public attending the Board meeting via an electronic device.
- (c) A Board commissioner must exit the meeting room when using electronic communication devices for any purpose, including sending or receiving audio or text messages, making, answering or engaging in a “voice” call or accessing information on the internet except as allowed in number 4 below.
- (d) If it is pertinent to an item on the Board agenda, a Board commissioner may access information on his or her electronic device such as the Board packet, an online map, a calendar or a communication from a constituent or another agency/organization. Prior to accessing the information on his or her electronic device, the Board commissioner must disclose to the other Board Commissioners during the meeting the use of his or her electronic device for this purpose.
- (e) Electronic devices may be used at any time by emergency response personnel to receive notification of an emergency situation.

6. Motions, Ordinances, and Resolutions

Example #1

The Board usually acts by way of a motion, resolution, or ordinance. Motions are an informal method of Board action made orally and noted on the minutes. A motion may be auxiliary to the more formal resolution or ordinance, as, for example, a motion that an ordinance be passed. Resolutions and ordinances are submitted in writing, and there is no clear distinction between them. An ordinance usually enacts permanent regulations of a general character and generally

imports a command or prohibition to all inhabitants of, or to certain classes, in the District. Resolutions are actions that are temporary only, that grant a special privilege or express the opinion of the Board, such as expressing sympathy or requesting action by governmental units, etc. The Park District Code, in many instances, directs that an action must be carried out by ordinance, and in those cases, such matters can be acted upon only by ordinance. An ordinance can be repealed or amended only by another ordinance, not by resolution. The distinguishing feature of the ordinance is that it must contain the words: “Be it ordained by...” The ordinance need not have a title. The law provides that the Board shall have the power “to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the Board and District and to establish by ordinance all needful rules and regulations for the government and protection of parks, greenways, open space, and other property under its jurisdiction and to effect the objects for which such districts are formed.”

Example #2

As a corporate authority, the District acts by way of a motion, Resolution, or Ordinance.

- (a) Motions are an informal method of Board action made orally and noted in the minutes. A motion may be auxiliary to the more formal Resolution or Ordinance, as for example, a motion that an Ordinance be passed. Any Commissioner of the Board may make a motion at any time after the agenda item to which that motion relates has been called by the President. Discussion shall be held prior to any vote on the merits of the motion, and may include any matter related to the motion or to the agenda item to which the motion relates.
- (b) Resolutions and Ordinances are submitted in writing. Resolutions are actions that are temporary only, grant a special privilege, or express the opinion of the Board, such as expressing sympathy or requesting action of governmental units, etc.
- (c) An Ordinance typically enacts permanent regulation of a general character and imports a command or prohibition to all inhabitants or certain classes in the District. The Illinois Park District Code, in many instances, directs that certain actions can only be done by Ordinance. An Ordinance can be repealed or amended only by Ordinance. The distinguishing feature of an Ordinance is that it must contain the words, “Be it Ordained by...”
- (d) The board may not take action on any resolution or ordinance unless the matter to which that resolution or ordinance relates is listed on a properly posted agenda for the Board meeting. The Board shall have the power “to pass all necessary Ordinances, rules and regulations for the proper management and control of business of the Board and District and to establish by Ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objectives for which such Districts are formed” (70 ILCS 1205/8-1(d))

7. Voting Procedures

Example #1

The President or other Board Commissioners are empowered to call the question(s) for a vote pertaining to any and all properly presented and posted agenda items and seconded motions. Unless otherwise required by law, a voice vote can be used if deemed appropriate by the Board President. On all matters which require an Ordinance or Resolution, propositions creating any liability or for the expenditure or appropriation of money, and in all cases at the request of any Commissioner, a rotating roll call vote shall be taken in alphabetical order and rotate the order after each vote in alphabetical order with the Chair voting last. Secret ballots are not permitted under any circumstance. The act of a majority of Commissioners present at a meeting when a quorum is present shall be the act of the Board, unless a greater number of votes is required by applicable law. The Board President is a Commissioner of the Board and has a right to vote upon all questions. All roll call votes will be recorded in the official minutes of the meeting.

Example #2

For purposes of voting on matters that come before the Board, the roll shall be called for all matters involving the expenditure of District funds, creating a penalty or fine, creating a liability for the District, or as otherwise provided by law. In a roll call vote, the ayes, nays, and absence of the Commissioners shall be recorded. The roll shall be called in rotating order such that the voting order is different for successive roll calls votes. The initiation and seconding of motions also shall be recorded.

8. Public Comment

Example #1

The agenda item “Public Comment” is included on all meeting agendas to provide an opportunity for citizens to address the Board. Each citizen should be provided an opportunity to address the Board. This is a time for citizens to make comments or express their concerns and for the Board to listen. Neither the Board nor staff will be answering questions. Once all citizens have had an opportunity to address the Board, the President should close the floor for communications from citizens. All discussions after the floor has been closed for public participation should be between Board members and with staff as requested. Citizens should not be recognized after that time in order that the Board members may deliberate without additional comments or discussion with citizens. The Board has set a five-minute time limit, with the limit per citizen per item to be increased at the discretion of the President if meaningful information is presented. Additional rounds of discussion from citizens should be left to the discretion of the President. However, the justification for permitting a second opportunity for citizens to address the Board should be based on the premise that new information will be presented to the Board.

Example #2

The Park District encourages public involvement and provides an opportunity for comment in a variety of ways including during advisory committee meetings, public hearings, on social media platforms and at regular business meetings of the Board of Commissioners. However, board meetings are conducted for the purpose of carrying on the business of the District, and therefore, are not public meetings but meetings held in public. Additionally, the Board of Commissioners is not required to respond to your remarks during the course of the meeting. Speakers are requested to sign-in at the entrance of the meeting room and complete a public comment sign-up sheet. The Board President will open public comment at the appropriate time as indicated on the meeting agenda. The Park District Board of Commissioners will allow 3 minutes for each speaker. When the Board President calls your name, please approach the podium and state your full name before addressing the Board of Commissioners with the item of interest to you. Your comments should not be directed at a single commissioner, staff member, or any other individual. You will be notified when 30 seconds are remaining and again when the 3-minute period has expired.

D. Minutes and Recording

1. Minutes

Example #1

The minutes of the meetings of the Board shall include the type (regular, special, reconvened); date and place of the meeting; the person presiding; roll call of members physically or by audio or video conference present and the presence or absence of staff and visitors who have made themselves known. Meeting minutes shall contain a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. Written communications directed to the Board and/or staff during the meeting along with reports from Board members and staff, will be attached to the minutes. A record of each motion voted upon by the Board shall include the member making the motion and the member seconding it, along with the tabulation of the vote. Each Public Body of the District shall approve the minutes of its open meeting within 30 days after that meeting or at the Public Body's second subsequent regular meeting, whichever is later. The Secretary's signature shall be affixed to the minutes after they have been approved by the Park Board. Such minutes, when signed, shall be the official records of such proceedings and shall be permanently filed and indexed for reference purposes. Meeting minutes will be posted on the District's website within ten (10) days of their approval. All reports requiring Board action, ordinances, resolutions, agreements and other written documents shall be made a part of the minutes by reference and, if so, shall be placed in the District files as a permanent record.

Example #2

All final actions taken by the Board shall be taken in an open meeting as required by the Illinois Open Meetings Act. The Board Secretary or Assistant Secretary shall be responsible for recording the minutes. The Secretary or Assistant Secretary must keep an accurate and true record of all motions, resolutions and ordinances with a detailed account of the roll call vote. All minutes are considered as drafts only until adopted by the Board at a subsequent meeting. The form of minutes for meetings of the Board will be action minutes. Action minutes record what is done and should include the exact motion, result of a vote taken, consensus reached, postponements, referrals to the committee, and assignments made. The form of minutes for meetings of the Board will include items required by law and by the policies of the Board.

2. Closed Session Minutes and Verbatim Recordings

It is the policy of the District to follow the Open Meetings Act pertaining to the recording, maintenance, and disposal of the minutes of closed sessions. Specifically, a verbatim audio recording and detailed written minutes will be made for all closed sessions. These records will be preserved in the care of the secretary or their designee. Further, these minutes will be reviewed by the Board of Commissioners at least once every six months to determine if they should be made available to the public. Finally, the recordings (only) will be permitted to be destroyed in compliance with the Open Meetings Act.

E. Board Member Responsibilities

1. Attendance

Example #1

Although it likely is not possible for each Board member to attend every Board meeting, Board members should strive to do so. A reoccurring pattern of missed meetings is unfair to other Board members and to the District.

Example #2

While it may not be possible for every Commissioner to attend every Board meeting, a recurrent pattern of missing meetings is not fair to the other Board members or to the residents and taxpayers. Thus, the Board may declare the office of any Commissioner vacant if that Commissioner fails or neglects to attend any regular and special meetings of the Board for a period of three consecutive months or six regular or special meetings of the Board in any twelve-month period. The attorney shall be consulted prior taking any action to declare the office of a Commissioner vacant.

Example #3

The failure of any member of the Board to be present either: in person or (ii) by telephone in accordance with Board policy, at four (4) or more consecutive duly called regular meetings of the Board, or at six (6) or more duly called regular meetings of the Board within any consecutive twelve (12) month or shorter period after the effective date of this Ordinance shall be cause for the President of the Board or the Board to convene a meeting closed to the public or a closed session of an open meeting for the purpose of conducting a hearing to consider whether the office of Park Commissioner of such member shall be declared vacant, pursuant to 70 ILCS 1205/2-25 and 5 ILCS 120/2(c)(3). For purposes hereof a member of the Board shall be deemed to be present at a meeting of the Board only if such member is in attendance at such meeting in person or, if permitted by Board policy, by telephone conference, from the time such meeting is called to order until the final adjournment of the meeting. Prior to taking any final action on declaring a member's seat on the Board to be vacant, a procedural due process hearing ("Hearing") before the Board shall be held to determine whether the Park Commissioner failed to be present in person or, if and as permitted by Board policy, by telephone, at four (4) or more consecutive duly called regular meetings of the Board, or at six (6) or more duly called regular meetings of the Board in any consecutive twelve (12) month or shorter period. The Park Commissioner whose office is in question shall be given at least fourteen (14) days prior written notice of the Hearing ("Hearing Notice") by the President of the Board. The Hearing Notice shall include notice of the possible declaration of vacancy of the member's seat on the Board, the date, time and location of the meeting and a listing of the dates of the meetings which the member has allegedly failed to attend. The member whose seat may be declared vacant shall have the right to be present at and to participate in the Hearing. The member shall also have the right to be represented by counsel prior to, during, and after the Hearing. During the Hearing the Board shall provide the member whose seat may be declared vacant, with certified copies of the minutes of the Board meetings which the member is alleged to have missed, showing those members in attendance at such meetings and those absent and whether the members were physically present or present by means of telephone conference and such certified copies shall create a rebuttable presumption that the member failed to attend each meeting for which the minutes reflect his absence. At the Hearing the member whose seat on the Board may be declared vacant may present oral and/or written evidence and/or present any witnesses to establish such member's presence at any meeting where the aforesaid minutes reflect such member's absence. The President of the Board shall preside at the Hearing and may be assisted by legal counsel for the District. No final action shall be taken at the Hearing.

Declaration of Vacancy. At any time after the adjournment of the Hearing, the Board shall, at a meeting open to the public, make a finding of fact regarding the number of meetings missed by the member and if such finding indicates that at least four (4) consecutive duly scheduled regular meetings of the Board were missed by such member, or that such member missed six (6) or more duly scheduled regular meetings during any twelve (12) month or shorter period, the Board may declare the office of Park Commissioner of said member vacant by the affirmative roll call vote

of not less than three (3) members of the Board, whereupon said office shall be vacant and may be filled by the remaining members of the Board in accordance with the provisions of Section 2-25 of the Code (70 ILCS 1205/2-25).

2. Effective Meetings

Example #1

The Board recognizes that the most effective, accessible meetings are those at which items of business are handled efficiently, with the necessary and appropriate amount of discussion but without unduly lengthy or repetitive debate or prolonged speechmaking by Board members or members of public. Detailed discussions among Board members of matters coming before the Board generally should take place during the meetings of the Committee of the Whole or other standing committee. Board members should prepare themselves for meetings by reading the materials provided to them and making appropriate inquiries of the Executive Director prior to the meetings. Processes and procedures of the District will be designed to facilitate effective communications of the Board's policies and business decisions.

Example #2

The Board shall refrain from lengthy discussions of the items that come before it at a regular Board meeting. These detailed discussions shall properly take place at committee meetings. All of the commissioners are invited to attend all of the committee meetings so that they are sufficiently informed about an issue before voting on it at the Board meeting. The regular Board meeting should be for discussions on final action only. This makes the Board meetings more efficient and more productive. Concerns of the public that are brought to the Board's attention will be considered at the appropriate committee meeting.

3. Communication Between Park Board Commissioners Outside of Meetings

Example #1

Pursuant to 5 ILCS 140/1 *et seq.*, the Illinois Freedom of Information Act ("FOIA"), persons are entitled to inspect or obtain copies of the records of public bodies upon request, subject to certain statutory exemptions. The Illinois Appellate Court recently ruled that text messages and other electronic communications between members of a public body that relate to public business are subject to release under FOIA in certain circumstances, even if the communications are sent on privately owned devices. The Illinois Appellate Court encouraged public bodies to enact policies on the use of electronic devices by public officials to transmit messages relating to public business. The Illinois Open Meetings Act prohibits the discussion of public business by a majority of a quorum of a public body unless such discussion takes place at a meeting that is

noticed and conducted in accordance with the Illinois Open Meetings Act. The Park District ("District") has determined that it is in the best interest of the District, the members of the Park District Board of Commissioners ("Park Board"), and the public that the District:

- (a) Adopt a policy to govern the use of electronic devices by members of the Park Board to transmit messages relating to public business, as set forth in this Policy. Members of the Park Board are prohibited from sending electronic messages, including emails, text messages, chat and instant messages, communications via social networking sites, and other electronic communications that relate to the discussion of public business, defined to include communications about business or community interests as opposed to private affairs, whether from a District-provided device or a privately-owned device, in the following circumstances:
 - i) To any one or more members of the Park Board during a meeting of the Park Board.
 - ii) To a majority of a quorum of the members of the Park Board at any time.
- (b) Park Board members should be aware that any electronic communication relating to the discussion of public business that is sent from or received by a District-provided device may be subject to release under the Illinois Freedom of Information Act, regardless of the circumstances of the communication. Electronic communications sent in violation of this Policy may be subject to release under the Illinois Freedom of Information Act and could subject the violator to an enforcement action that might result in criminal penalties under the Illinois Open Meetings Act.

Example #3

Freedom of Information Act Considerations: In view of the reach of a potential Freedom of Information Act ("FOIA") request to inspect or be provided with copies of public records comprised of email communications between or among Commissioners regarding public business, it is not advisable for a Commissioner to use his or her personal email account for public business; the Park District-provided email account and address should instead be used. Communications on privately-owned electronic devices may be subject to disclosure under FOIA, including email, text messages, and social media accounts. Whether information is a "public record" is not determined by where, how or on what device that communication was created or reposes. To avoid the necessity of a Commissioner turning over a personal electronic device to the Park District's FOIA Officer for examination in the context of a FOIA request for disclosure of written communications between or among Commissioners regarding public business, it is recommended that all such communications shall be made using a Park District-provided email address in the case of email communication. Records of such communications shall not be destroyed, deleted or otherwise discarded or altered. Only communications involving public business are subject to disclosure under FOIA, regardless of how or from what device or address communicated. In the case of existing records of past electronic communications by or among Commissioners where personal email addresses, or text messages or social media communications from personal cell phones were used, such records shall not be destroyed,

deleted, discarded or altered.

Commissioner Emailing and Text-Messaging: The purpose of this policy is to promote conduct by Commissioners when emailing or text-messaging concerning public business which is consistent with recognition of the fact that such messages are or may be legally required to be preserved as public records both under the Illinois Freedom of Information Act and the Illinois Local Public Records Act. All emails concerning public business and that are sent or received by a Commissioner of the Park District may be public records regardless of whether the email is sent or received on a personal or Park District-provided email address. The Park District shall provide an email address for all of its Commissioners. Park District Commissioners shall use the Park District-provided email for all communications concerning public business. Any Commissioner having a Park District-provided email address shall promptly forward any email sent or received on his or her personal email address to his or her Park District-provided email if the email concerns public business. If the Commissioner does not have a Park District-provided email address and receives an email on his or her personal email address concerning public business the Commissioner shall promptly print out or otherwise provide a copy of the email to the Park District. Commissioners are discouraged from text-messaging each other concerning public business given the possibility that such messages may constitute public records which could otherwise require the surrender and inspection of the electronic device from which sent or by which received in order to comply with a lawful request for inspection, production, or copying under the Illinois Freedom of Information Act or the Local Public Records Act.

Open Meetings Act Considerations: Communication between Park Board Commissioners is impacted by not less than three separate and distinct Illinois Laws: The Open Meetings Act (5 ILCS 120/1 *et seq.*); the Local Records Act (50 ILCS 205/1 *et seq.*); and the Freedom of Information Act (5 ILCS 140-1 *et seq.*). To avoid being involved in an illegal meeting via email: Any number of persons not serving as a Commissioner of the Park District may be included as recipients of email. No commissioner shall include any more than one (1) other Commissioner on an email or in any other means of contemporaneous communication where the discussion is of public business. The only exception to this rule is that up to six (6) Commissioners may be simultaneously sent an email from another Commissioner concerning public business, provided that any response by a Commissioner be sent only to the sender and not utilize the "Reply All" option.

F. Public Input Outside of Meetings

1. Correspondence

Example #1

All written correspondence which falls within the Board's purview shall be distributed to the Board prior to the next scheduled Board meeting from when it was received, along with any response to the correspondence proposed or taken. If written correspondence is received from a visitor during the Remarks from Visitors portion of a Board meeting, it will be collected by the Board Secretary and distributed to the Board prior to the next scheduled Board meeting, along with any response to the correspondence proposed or taken.

Example #2

Written statements to a Commissioner or the Board and received by mail, electronically, or delivered in person to the Administration Office of the District will be reviewed by the Commissioners but not during a Board meeting. Written statements that are not addressed to a Commissioner or the Board will be reviewed by the Director.

2. Petitions

Example #1

All petitions concerning the Park District shall be brought to the attention of the Board at the earliest opportunity. The petition shall be placed on the agenda of a regular or special meeting and be discussed by the Board of Commissioners. The individuals responsible for the petition shall be notified at the earliest possible date that the Board of Commissioners has received the petition, when the Board will discuss the petition, if applicable, as well as any action that has been decided upon.

Example #2

Petitions signed by individuals residing within the District regarding District services will be received by the Director at the Administration Office, or by the Board at a public Board meeting during the Public Comment period of the agenda. The Director will assure that all petitions submitted will be brought to the attention of all Commissioners at the earliest opportunity. The Board may determine to place a petition on a future agenda of a regular or special meeting for discussion. The individuals responsible for the petition will be notified by the Director as soon as possible that the Board has received the petition and when the Board will discuss the petition, as well as any action that has been decided upon.

III. FINANCIAL POLICIES AND PROCEDURES

A. Annual Fiscal Responsibilities

Example #1

The Board shall establish a budget, appropriate funds, and levy taxes annually for the various operations of the District, in accordance with State law. The Board shall exercise prudent financial judgment and practices so that the District remains financially sound. The Board shall review and approve the proposed annual budget for the District. The Board also shall regularly review reports regarding the District's financial status, including accounts payable, current status of each of the funds of the District, and similar reports.

Example #2

The Board shall annually, according to state statutes, appropriate funds and levy taxes for the various operations of the District in order to provide for its needs. The Board shall annually approve a Budget and Appropriation Ordinance, and Tax Levy Ordinance, formally accept the annual audited financial statements and audit report and shall hold a "Truth-in-Taxation" public hearing as needed and shall adhere to all other legal requirements as may be enacted by the State.

B. Budget Policies and Procedures

1. Fiscal Year

The fiscal year of the Park District shall be from January 1 to the next December 31 of each year.

2. Budget and Appropriation Ordinances

Example #1

Adoption of the budget and passage of annual appropriation ordinance is required. The Board shall, within or before the first quarter of each fiscal year, adopt a combined annual budget and appropriation ordinance, by which ordinance the Board may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the District, and in such annual budget and appropriation ordinance shall specify the objects and purposes for which such appropriations are made, and the account appropriated for each object or purpose. In accordance with statutory requirements, the Board Secretary shall file a copy of the ordinance in the office of the county clerk within thirty days of its adoption.

Example #2

The District must pass and file with the County Clerk a combined annual Budget and Appropriation Ordinance (70 ILCS 1205/4-4). The ordinance appropriates the monies that are necessary to cover the projected expenses and liabilities that the District may incur during the fiscal year. The Board and staff must follow the procedures listed below when preparing and filing the Ordinance:

- (a) The Ordinance must be adopted within the first quarter of each fiscal year.
- (b) The Ordinance shall contain a statement of cash on hand at the beginning of the fiscal year, an estimate of monies expected to be received during the fiscal year from all sources, an estimate of expenditures for the fiscal year, and an estimate of cash on hand at the end of the fiscal year.
- (c) The Ordinance must be prepared in tentative form and made available for public inspection no less than thirty (30) days prior to final action.
- (d) The Board must hold at least one (1) public hearing regarding the ordinance at least thirty (30) days before it can take final action. Notice of the hearing and a copy of the ordinance must be published in a newspaper circulated in the District at least seven (7) days before the time of the hearing.
- (e) After Board approval, the District must file a certified copy of the ordinance with the County Clerk within thirty (30) days.

No further appropriations shall be made at any other time within the fiscal year with the following exceptions:

- (a) After the first six (6) months of the fiscal year, the Board may approve, by two-thirds vote, transfers between line items in funds (State law requires some funds remain separate) and also between various items in any fund not exceeding, in the aggregate, 10% of the total amount appropriated for the fund.
- (b) The Board may amend the Ordinance by the same procedure as herein provided for the original adoption of the Ordinance, provided that nothing in this section shall be construed to permit transfers between funds required by law to be kept separate.

It is the District's policy to avoid transferring funds until near the end of the fiscal year. This timeline enables the Board to better assess which items require additional funding and which items have unexpended funds to re-allocate. However, if any funds have exceeded their approved appropriations, the Board may decide to re-allocate funds after six (6) months. Each line item must be for a single purpose. To allow for flexibility in spending, given that the Ordinance defines the maximum amount that could be spent if funds are available, appropriation levels are increased 20% over budgeted expenditures for the fiscal year.

3. Budget Process

Example #1

The District's fiscal year is January 1 to December 31. The budget preparation process begins in June and continues through December. The functions of preparing and analyzing the budget are performed by the Departments and then reviewed by the Executive Director with final approval by the Board. Staff develops a budget calendar to ensure that the District meets all of the provisions of State and local law. Annually, the Director of Finance and Human Resources updates the budget manual, which provides the guidelines and procedures for completing the budget and trains staff on budget preparation procedures. The following steps are taken by the Executive Director and staff to prepare the budget:

- (a) Set goals and objectives for the coming fiscal year, which reflect the priorities outlined in the Strategic and Comprehensive Plans;
- (b) Identify and prioritize operating and capital needs;
- (c) Input budget into financial software;
- (d) Project fund balances;
- (e) Revise revenue and expenditure estimates;
- (f) Present proposed budget to the Board;
- (g) Staff announce the availability of the tentative budget for thirty (30) day public viewing according to the requirements of the Illinois Compiled Statutes; and
- (h) The Board holds a public hearing and once the Board tentatively approves the budget, staff prepare a final Budget and Appropriation Ordinance.

After the Board approves the Ordinance, the new budget is effective on January 1. Throughout the fiscal year, staff continually monitor the budget against actual revenues and expenditures, making appropriate adjustments and proposing an amendment to the budget to the Board in December, if necessary.

Example #2

In the preparation of the annual fiscal budget, management will consciously work toward satisfying and fulfilling both the short-term and long-range goals and objectives formulated by management and approved annually by the Board. Whenever feasible and practical, the budget process shall be decentralized in which frontline managers will formulate the preliminary drafts of their department budgets. The drafts will be reviewed by the appropriate Department Heads, Superintendent of Business Services and Technology and finally, the Executive Director. To carry out this policy, management will employ qualified people who can understand financial information, satisfy routine financial requirements, and satisfactorily prepare a budget.

4. Expenditure Policy

Example #1

It shall be the policy of the Board to exercise prudent financial judgment and practices such that the Park District remains financially sound. Thus, the Board recognizes that it must consider current expenditures with current income, provide monies for capital improvements and replacement, and otherwise plan for the future without creating an excessive tax burden for the community. Operating deficits shall be handled, if at all possible, by a combination of current year expense reduction and revenue enhancement (such as through increased fees and charges).

Example #2

Purpose: The purpose of this policy is to clarify the District's stance and willingness to accept a deficit in certain funds as a means of achieving its long-range goals.

Overview: This policy is herein established to allow the District's Board of Commissioners to approve a deficit as part of the annual budget for both an individual fund as well as District-wide.

- There are many reasons why the District is willing to recognize a deficit in a particular fund or even District-wide. Among the reasons a deficit may occur include the following:
- To comply with the District's Fund Balance Policy and reduce (spend down) any excess balances.
- Without burdening taxpayers unnecessarily, continue progress towards the District's long-term capital goals.
- Timing differences. Specifically, costs incurred during a period of time that differs from when the matching revenues will be received.

Procedure: Should the District propose a budget deficit, it will be the responsibility of the Board of Commissioners if it chooses to approve it; to be able to, along with appropriate staff, understand the purpose behind the decision and communicate it, as necessary to the public as well as the rest of the staff. At no time will the District support a budget deficit that allows for a negative fund balance in an individual fund or District-wide.

5. Administrative Cost Allocation

The Board recognizes that there are certain general and administrative costs associated with the day-to-day operations of the District run from the Administrative Offices. It is the intent of the Board that all of the operating funds/departments should contribute an appropriate portion of the levied amount toward this administrative overhead. The allocation of General and Administrative expenses will be consistent with General and Administrative in the Administrative Policy manual. These costs which include such items as salaries, office supplies, medical insurance and computer processing costs, etc., shall be set at a reasonable level by the administrative staff that will be reviewed by the Board as part of the annual working budget. The Board also recognizes that all recreational and facility programs have associated, yet separate, personal and contractual

services, commodities, fixed charges, capital improvements and miscellaneous expenses.

6. Monthly Budget Update

On a monthly basis, staff will provide the Board with a Balance Sheet and Income Statement. The Income Statement will compare the current month's actual to the current month's budget and current year-to-date to budgeted year-to-date. A monthly Treasurer's Report will be provided showing Cash and Investments as well as the change in Fund Balance for each Fund.

C. Tax Levy

1. Tax Levy Ordinance

Example #1

The annual Tax Levy Ordinance is the legal document that establishes the amount of revenue the District will collect from the property taxes of the Park District. The Annual Tax Levy Ordinance shall follow the procedure prescribed in the Truth in Taxation Law that can be found in the Illinois Association of Park Districts' Law Handbook. This action, by law, must be preceded by certain steps including researching the Budget and Appropriation Ordinance, approval of an estimated Aggregate Levy and publication of a legal notice and a Truth-in-Taxation Hearing, if required.

Example #2

The District has the power to levy and collect taxes on all of the taxable property in the District. The Board must adhere to the following procedures to levy taxes:

- (a) At least twenty (20) days prior to adopting the Tax Levy Ordinance, the Board must meet and formally determine the amount of money that it estimates will be levied. This determination must be formalized in a resolution, which the Board must adopt.
- (b) An ordinance must be passed to levy all general taxes upon the taxable property within the District.
- (c) The Property Tax Extension Limitation Law (tax cap legislation) limits the total levy from exceeding 105% of the prior year levy or the Consumer Price Index, whichever is lower. The Special Recreation Association and Debt Service Funds are excluded from this limitation (35 ILCS 200/18-55).
- (d) As also required by the Truth in Taxation Law, the District must hold a public hearing if the total levy exceeds 105% of the prior year levy. The hearing cannot be held on the same day that the Board holds the hearing on its proposed Budget and Appropriations Ordinance. The hearing requires publication of a notice of the time, date and place of the hearing. It must be published in a paper of local circulation, not more than fourteen (14) days nor less than seven (7) days prior to the meeting. It must be no less than 1/8th page

in size, the smallest type used in the notice must be 12 point; it must be surrounded by a black border no less than one-quarter inch wide; and the notice must not be published in the legal notice or classified advertisement sections of the newspaper and on the Districts website. There is also specific required language for the advertisement in the Truth in Taxation Law.

- (e) A certified copy of the Tax Levy Ordinance must be filed with the County Clerk no later than the last Tuesday in December of each year.

The District may accumulate funds for the purpose of building repairs and improvements. Additionally, it may annually levy taxes for such purposes that are not met by the funds available in the current or projected Budget and Appropriation Ordinance. These levies must fall within the procedures and limitations as set forth in the Illinois Compiled Statutes (70 ILCS 5-1).

Example #3

The District has the power to levy and collect taxes on all of the taxable property in the District for all corporate purposes. The Board may accumulate funds for the purposes of building repairs and improvements and may annually levy taxes for such purposes in excess of current requirements for its other purposes but subject to any lawful tax rate limitations. The accumulation of funds for capital improvements shall not exceed the maximum allowed by Section 5-1 of the Park District Code. All general taxes proposed by the Board to be levied upon the taxable property within the District shall be levied by ordinance. A certified copy of such levy ordinance shall be filed with the County Clerk not later than the last Tuesday in December in each year.

2. Tax Rate and Dependence

Example #1

The Board will maintain a policy of keeping its levied tax rate to provide the funds adequate to maintain an acceptable level of programs and services.

Example #2

It will be the goal of the District that, as part of its budget process, property taxes – exclusive of those not subject to the tax cap – account for no more than 45% (plus or minus five percent) of total revenues.

D. Bonds

1. Bond Rating

Example #1

The District will not maintain a bond rating on an annual basis unless necessary for financing of projects. The decision of whether or not a bond rating will be secured will be made by the Board on a case-by-case basis for each separate bond issue approved by the Board.

Example #2

The Park District shall determine on a case-by-case basis the appropriateness of seeking a bond rating on the issuance of general obligation debt under the prevailing market conditions. As a general guideline, the District shall estimate and compare the cost of obtaining a rating and the savings resulting from selling a rated bond versus an unrated bond.

2. Bond Sale

Example #1

Upon Board determination and in consultation with a municipal financial advisor and attorney, Bonds may be issued after it has been determined what the dollar amount and term of the bonds will be. The Executive Director shall be authorized to market the bonds through a municipal financial advisor through a bid process, direct placement or negotiated sale. The attorney or designated bond counsel will write the Bond Ordinance and the attorney will also seek a written opinion of the bonds' tax-exempt status from the proper legal experts.

Example #2

Bonds may be issued by private placement or through an open bidding process. The District may invite proposals from particular financial institutions and, if so, shall invite financial institutions within the boundaries of the District to be a part of that proposal process. Depending on the market circumstances as determined by the Board, the Executive Director, and any financial consultants advising the Board, bonds may be marketed publicly. The District shall be represented by the District's General Counsel acting as issuers' counsel, and the District also shall retain bond counsel.

E. Debt Policies and Procedures

Example #1

No member of the Board, nor any other person whether in the employ of the District or otherwise, will have the power to create any debt, obligation, claim, or liability for or on account of the District except in accordance with the provisions of this policy. The District issues debt as a source for the payment of costs associated with the acquisition and improvement of long-term assets. The District's primary objectives in debt management are to keep the level of indebtedness within available resources and within the total debt and payment limits established by state statutes and PTELL.

Example #2

The purpose of this policy is to provide a functional tool for debt management and capital planning, as well as to enhance the District's reputation for managing its debt in a conservative and prudent manner. No commissioner, committee, officer, or any other person employed or associated with the District shall be authorized to create any financial liability on behalf of the District except where said liability shall be approved in nature and amount by the Board and recorded in the minutes of said meeting and/or in accordance with the District's purchasing policy. The District developed this policy to help ensure the District's creditworthiness and to provide a functional tool for debt management and capital planning. The District faces continuing capital infrastructure requirements to meet the increasing needs of its residents. The District limits long-term debt to only those capital improvements that cannot be financed from current revenues. The District does not use long-term debt to fund operating programs. The laws of the State of Illinois authorize the issuance of debt by the District. Such laws confer upon park districts the power and authority to contract debt, borrow money, and issue bonds for public improvement projects as defined therein. Under these provisions, the District may contract debt to pay for the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, and equipping such projects or to refund bonds.

F. District Funds and Accounts

1. Fund Accounting

Example #1

The District uses funds to report on its financial position and the results of its operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities. A fund is a separate accounting entity with a self-balancing set of accounts. Funds are classified into the governmental and proprietary categories. Each category, in turn, is divided into separate "fund

types.” Governmental funds are used to account for all or most of a government’s general activities, including the collection and disbursement of earmarked monies (special revenue funds such as the Recreation Fund), the acquisition or construction of general fixed assets except those financed by Enterprise Funds (e.g., Capital Improvements Fund), and the servicing of general, long-term debt (Debt Service Fund). The General Fund is used to account for activities of the general government not accounted for in any other fund. Proprietary Funds (i.e., Enterprise Funds, Internal Service Funds) are used to account for activities similar to those found in the private sector. With an Enterprise Fund, the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges. An Internal Service Fund is established to account for operations that provide services to other departments or agencies on a cost-reimbursement basis.

Example #2

The purpose of the District’s Service Fund is to prepare for providing resources for future planning and capital expenditures. The District has one fund to ensure that these resources are available to acquire items when future planning enhances services and facilities, existing items need replacement, acquire new items and to make major district wide improvements. The Park District’s Internal Service Fund is:

- (a) Capital Fund
- (b) Future Planning Projects
- (c) Capital Maintenance Plan Expenses (CMP)
- (d) Capital Development Plan Expenses (CDP)

Included in the annual budget is a set amount of funds to be transferred at year’s end from the Corporate and Recreation Funds into the Capital Fund. This amount is dependent upon each of the two separate funds’ fund balance percentage, which is based on the Fund Balance Policy, Capital Maintenance Plan (CMP) and Capital Development Plan (CDP).

2. Fund Balance/Net Asset Policy

This previously approved

section will be added to the

final draft

G. Audits and Internal Controls

1. Annual Audit

Example #1

The Board shall conduct an annual audit using an independent auditing firm. The Board's policy is for full disclosure of pertinent financial reports. The District's accounting procedures shall conform to all applicable standards, including accepted principles and standards of the Governmental Financial Officers Association, the National Committee on Government Accounting, and the Governmental Accounting Standards Board.

Example #2

The Board will annually cause an audit of the accounts of the District to be made by a licensed public accountant. This audit shall cover the immediately preceding fiscal year of the District and shall begin as soon as possible after the close of the last fiscal year to which it pertains. The audit report shall be filed with the Comptroller of the State of Illinois within six months after the close of such fiscal year unless an extension of time is granted by the Comptroller in writing. One copy of the audit report (or financial report files in lieu of the audit report) shall be filed with the Comptroller and one copy thereof with the County Clerk. Additional copies of the audit shall be filed with the Municipal Securities Rulemaking Board to the extent required to comply with any continuing disclosure undertaking requirements assumed by the Park District in relation to the issuance of any municipal securities.

2. Internal Controls

Example #1

The Finance and Human Resources Department conducts audits of all District cash register drawers and petty cash locations at least annually. Finance staff review the counting of cash and reconciling to current daily reports and ensures that existing procedures are occurring. The audit results are submitted to management and to the District's independent audit firm.

Example #2

The District uses a system of internal controls to protect the District's assets and ensure integrity and reliability of financial data and statements prepared by staff. These controls are found in the use of audit trails, division of functions across the District, and separation of duties within Departments (including the Finance and Human Resources Department).

H. Financial Records and Transparency

Example #1

The District shall maintain all financial records in accordance with State Statutes and in coordination with the State Archivist rules. These records are open to inspection under the Freedom of Information Act (Illinois Compiled Statutes, Chapter 5, Act 140, Sections 1, *et seq.*).

Example #2

Each bank and/or investment account will be balanced on a monthly basis. Records shall be retained in accordance with the Park District's records destruction schedule approved by the State Archivist.

I. Annual Treasurers Report

Example #1

The Public Funds Statement Publication Act requires that the District's Treasurer, who is appointed by the Park Board, prepare a report at the end of each fiscal year showing:

- a) The amount and source of all revenues;
- b) The amount of money disbursed where the total paid to any one vendor exceeds \$2,500, including the name of each individual, business, or organization paid and the amount paid to each.
- c) The categories of compensation listing each employee's name under the appropriate category as specified in the Act; and
- d) A summary statement of operations for all funds and account groups from the District's annual financial report filed with the State Comptroller (30 ILCS 15/0.01, *et seq.*).

The Treasurer must subscribe and swear to the report and file it with the County Clerk in which he/she resides within six (6) months after the end of the fiscal year.

Example #2

The Treasurer or designee shall prepare a report for the Treasurer at the end of each fiscal year showing:

- a) The amount and source of all revenues, giving items, particulars and details;
- b) All monies disbursed, where the total amount paid during the fiscal year exceeds \$2,500 in the aggregate, including the name of each individual to whom the monies were disbursed, and the amount paid to each person;
- c) All monies paid out as compensation for personal services, giving the name of each individual to whom paid by listing each employee, as required by the Illinois Park

District Code;

- d) A summary statement of operations for all funds and account groups, as excerpted from the annual financial report filed with the State Comptroller.

Such statement shall be subscribed and sworn to by the Treasurer. Within six months after the close of the fiscal year, such statement shall be filed in the Office of the County Clerk. The Treasurer must subscribe and swear to the report and file it with the County Clerk in which he/she resides within six (6) months after the end of the fiscal year.

J. Investment Policy

Scope of Investment Policy: This investment policy applies to the investment activities of all funds of the Park District. All financial assets shall be administered in accordance with the provisions of this policy.

Objectives of Investment Policy: The purpose of this policy is to establish investment guidelines for Park District officials who are responsible for safekeeping of public funds.

- (a) The District's investment portfolio shall be managed in a manner to avoid any transaction that might impair public confidence in the District. Investments shall be made with judgment and care, not for speculations but for investment, considering the probable safety of the principal as well as the probable income to be derived.
- (b) Safety of principal is the foremost objective of the Investment Policy of the Park District. Each transaction shall first ensure that principal losses, whether through defaults or erosion of value via fluctuations in market prices, are avoided.
- (c) The District's investment portfolio shall remain sufficiently liquid to enable the District to meet present and anticipated cash flow requirements.
- (d) The investment portfolio should be designed with the objective of maximizing return while securing both safety and liquidity.

Responsibility for the Investment Program: Responsibility for the investment program will be delegated to the Executive Director and the Director of Finance and Administration. No person, unless authorized by the Executive Director and the Director of Finance and Administration, shall make investment transactions on behalf of the Park District. The Executive Director and the Director of Finance and Administration shall be responsible for all investment transactions undertaken and shall establish a system of internal controls to regulate the activities in the portfolio.

Investment Selection: While striving to achieve the objective of this Investment Policy, and limited by the State statutes, the Park District has approved the following for investment of public funds:

- (a) Bonds
- (b) Notes
- (c) Treasury bills
- (d) Other securities which are guaranteed by the full faith and credit of the United States of

America

- (e) Interest-bearing savings and money-market accounts
- (f) Interest-bearing certificates of deposit.
- (g) Interest-bearing time deposits constituting direct obligations of any bank as defined by the Illinois Banking Act and insured by the Federal Deposit Insurance Corporation All investments must be denominated in U.S. Dollars.

Collateral: The Park District may require that funds on deposit in excess of insured limits be secured by a form of collateral. The District will accept any of the following assets as collateral:

- (a) U.S. Government Securities
- (b) Obligations of Federal Agencies
- (c) Obligations of the State of Illinois
- (d) General Obligation Municipal Bonds rated “A” or better issued by a governing body in the State of Illinois The amount of collateral provided shall not be less than 110 percent of the fair market value of the net amount of District funds on deposit at each financial institution. Pledged collateral shall be held by the Park District, the Federal Reserve or kept in a safekeeping account by a third party and evidenced by a safekeeping receipt. Said collateral must be in the name of the Park District.

Financial Institutions: With respect to bank accounts maintained at financial institutions, it shall be the policy that the Park District will not maintain funds on deposit in any financial institutions that is not a member of the F.D.I.C.

Maturity: The maximum maturity of individual securities will be three (3) years from the settlement date. The maximum weighted average maturity of the portfolio will not exceed eighteen (18) months.

Credit Quality: At the time of purchase, all issues with short-term ratings must be rated at least P-1, A-1 or F-1 by one of three rating agencies: Moody’s, Standard & Poor’s or Fitch. All issues with long-term ratings must have at least one rating that is at least A-2 by Moody’s or A by Standard & Poor’s or Fitch. For split-rated securities, the lowest rating shall prevail. The Investment Manager shall notify the District if any security held in the portfolio is downgraded below the minimum rating set forth in this policy and shall advise the District as to a recommended course of action.

Diversification: Single issuers are limited to 5% of the total market value of the portfolio. Obligations of the US Treasury, US Agencies, tri-party repurchase agreements and money market mutual funds are exempted from this diversification limit. Investment in corporate debt obligations shall not exceed 50% of the total market value of the portfolio.

K. Deposits and Disbursement of Funds

1. Deposits, and Designation of Depositories

The District is a public agency as defined by the Public Funds Investment Act (30 ILCS 235/1). Public funds are defined as current operating funds, special funds, interest and sinking funds, and

funds of any kind or character belonging to or in the custody of any public agency. Employees whose job descriptions require the acceptance of cash, checks, and credit card information from customers are trained on the handling of those items (e.g., process registrations, memberships, and rentals). Each location has documented procedures that are specific to that location and can be found in the procedure manuals in those areas. The procedures outline which forms of payment are allowed, how payments must be entered into District software programs, batching out steps at the end of the shift/day, completion of bank deposit slips, and the reporting of this information to supervisory and finance staff. The deposit of public funds is further directed by the Public Funds Deposit Act (30 ILCS 225/0.01) as being required to be made within two (2) working days. Deposits of cash and checks for all facilities will be made in compliance with these provisions. Cash and checks in excess of opening cash bank at the end of every shift must be held in a safe or other locked cabinet/drawer (if a safe is not available at that site) until the deposit can be made.

2. Disbursements

Example #1

The District disburses checks for accounts payable, payroll, and petty cash. Payroll and Accounts Payable checks are issued with the signature of the commissioners. Petty cash checks are issued with the signature of the Assistant Treasurer. Authorization is granted by the Board to use facsimile stamps for signatures following the District's protocol of separation of duties.

For the purpose of operating parks and recreation services, the Board authorizes District staff to use procurement processes or procedures consistent with standard banking practices and state and federal rules and regulations. Approved procurement processes include the use of petty Cash (revolving cash fund), Purchase Orders, Voucher Requests, Credit Cards, Procurement Cards (referred to herein as P-card), and by electronic payments commonly known as ACH's, EFT's, or wire transfer.

Customer refunds that were originally paid by credit card are processed through the registration software at Park District facilities by employees authorized and trained according to District policy. Customer payments made by cash or check and processed through the registration system will be refunded by registration staff processing the refund in the registration system. On a weekly basis, the Finance and Human Resources Department will import the refund data into the financial software to process an Accounts Payable check. The Voucher List itemizes the vendor name, amount, and description of services provided and is used for check payments to vendors. The Non-Accounts Payable Disbursements of Funds lists the type of payment, payee name, amount and reason for payment and is used for non-check payments such as wire transfer to pay District debt service and internal bank transfers.

3. Prompt Payment

It will be the policy of the Board that all purchases will be paid promptly as provided by the Local Government Prompt Payment Act. A written list of Paid Accounts Payable expenditures made including electronic payments will be submitted to the Board at each regular monthly meeting. Such a list will set forth the name of the payee, the amount paid, the goods or services received by the District in consideration for such amount, and the account to which such amount will be charged. This list will be received, reviewed and approved by the Board.

4. Wire Transfers and ACH Origination

Wire transfers can be made to facilitate quick deposits of funds into an account or to move funds from one institution to another in lieu of a check. Wire transfers may be made to expedite the movements of funds, to avoid penalties, late charges, and overdrafts and to maximize interest on excess funds.

L. Cash and Inventory

1. Petty Cash

The petty cash fund is a fund established for a designated amount from which payments and/or reimbursements for small, incidental dollar expenses may be made. At all times, the cash on hand plus the dollar amount of expenses supported by paid receipts should equal the designated amount of the petty cash fund. The petty cash fund should not be used as a method to bypass the District's purchasing policy and procedures. Cash advances are inherently risky and should be minimized. All petty cash disbursements are charged to the appropriate expense account. Staff must attach receipts to the Petty Cash Reimbursement Form, which is retained by the Finance and Human Resources Department. All expenditures should conform within the District's expenditure guidelines.

The Superintendent of Finance or designee is responsible for administration of petty cash funds. The reimbursement request must be supported by proper receipts. The following types of receipts are acceptable:

- (a) Original, numbered receipts with the company name and address imprinted thereon, which includes an itemized listing or description of items purchased;
- (b) Copies of receipts mentioned above are acceptable but must be certified by the department head as a valid receipt, which has not been previously reimbursed;
- (c) Numbered or non-numbered receipts that do not have a company's or individual's name imprinted thereon, provided name and address of individual or company is included by person seeking reimbursement;
- (d) COD charge lists are acceptable only if they are marked paid and signed by the individual

delivering the items, or stamped paid with a company stamp and signed by the individual delivering the items;

- (e) Register tape from cash registers that have the company's name and date of purchase at the top of the tape, and all items are circled and described by an individual seeking reimbursement;

Hand-written paper receipts which contain a full name, address and telephone number of person from whom purchased, and is signed by this person (provided they are verified by the department head, and a full description is made as to why no other type of receipt mentioned above can be obtained). The petty cash fund should be replenished by the custodian on a quarterly basis. The fund must be replenished on or before the last day of the fiscal year no matter what the amount of disbursements made. Requests for replenishment of petty cash funds should be made on a check request by the fund custodian and submitted to Accounts Payable. The request is to be accompanied by the receipts received during the accounting period. A check from the District will be issued to the custodian of the fund. The check acts as reimbursement to the fund for authorized disbursements of cash.

2. Inventory

The District shall conduct an inventory of merchandise sold at retail no less frequently than at the close of the fiscal year. The inventory accounting used shall be the average cost method. The responsibility for conducting the inventory is assigned to the Director of Finance or designated representative.

M. Credit Cards

1. District Use of Credit Cards

Example #1

- (a) The credit cards and Purchasing Card or P-card is intended to streamline and simplify the purchasing and payment processes. It is not intended to avoid, or bypass appropriate purchasing policies. The P card will be issued in the employee's name, as authorized by the Executive Director. District employees must adhere to the following provisions:
 - Credit cards and P cards may only be used for official District purposes.
 - The District's tax exemption must be honored on purchases in Illinois . Unless required by law, sales tax paid on credit card or charge account purchases is the responsibility of the employee and must be reimbursed to the District.
 - Credit cards should be kept in a secured location and only carried when making authorized District purchases.
 - Receipts and approved requisitions or purchase orders must be submitted to the Finance

and Human Resources Department with the monthly statement. The employee will fill the payment voucher form which contains a description of the purchase and the account number to record the purchase to.

- Cardholders must not allow unauthorized individuals to use the credit card.
 - Credit card purchases must not exceed the cardholder's credit limit to avoid service charges.
 - Credit card purchases must adhere to the District's Employee Policy Manual: Business Travel, which states that expenses, such as alcoholic beverages, are not allowable.
- (b) Misuse of the credit card will be cause for immediate termination of the individual's card or account authorization and could result in disciplinary action or termination.
- (c) Cancellation of Card: Cardholders or supervisor must return P-cards to the Finance Director immediately upon request or upon termination of employment.

2. Payment Card Industry Compliance

It is the policy of the Park District to comply with the Payment Card Industry Data Security Standards. The Park District uses data services for processing all payment cards for various transactions throughout the park district. The following items are considered specific guidelines associated with this policy and shall be assigned to corresponding procedures as developed:

- (a) In order to minimize risk, only those data elements on the payment card that are needed for district business should be stored.
- (b) Access to payment cardholder data should be limited to district employees requiring such information to complete assigned job tasks.
- (c) Payment card data on an internet connected computer or processed through the internet, should be protected through a secure network with periodic monitoring of its security. Perform quarterly internal and external network vulnerability scans.
- (d) Paper and electronic media that contain cardholder data should be physically secure.
- (e) Payment card data on documents should be redacted, if feasible, when no longer needed for district business. Documents with legible payment card data should be destroyed in accordance with the Illinois Records Retention Act with appropriate security handling.
- (f) Security awareness training should be provided for district employees involved in payment card processing.
- (g) The district should assure that its relationships with payment card service providers comply with Payment Card Industry Data Security Standards (PCI-DSS).
- (h) The Executive Director, Superintendent of Finance, and Administration should be promptly notified of any information security breach.

N. Transfers and Insufficient Funds

1. Bad/Insufficient Funds Checks or Electronic Fund Payments

Checks or Electronic Fund Payments returned by the bank and designated uncollectible are processed using the following procedure to avoid confronting or embarrassing customers while ensuring that the funds are collected.

- (a) If the check payment was originally processed through the registration system (excluding Point of Sale (POS)), the Finance and Human Resources Department cancels the payment in the registration system and notifies the appropriate department (Recreation, Facilities, or Enterprise Services).
- (b) The Department processes a returned check bank fee and contacts the customer for payment.
- (c) If the original payment was processed through the POS, the Finance and Human Resources Department sends a collection letter to the issuer and charges a collection fee.
- (d) The customer may use cash, cashier's check, money order, or a credit card to satisfy this balance. The current amount of the collection fee can be found in the most recently published version of the District's program guide. The customer's account(s) in all of our records will be labeled as unable to have further transactions with the District until the bad check is resolved.
- (e) When the same party issues more than one bad check within any three (3) month period, the customer will be put on a cash or credit card basis only. Under all circumstances, a customer may not have further business with the District until the bad check(s) is resolved.

2. Outstanding Checks

Purpose: The purpose of the Park District Outstanding Check Policy is to insure accurate cash reporting and management, and compliance with Illinois Revised Uniform Unclaimed Property Act, 765 ILCS 1026.

Accounts Payable Checks: Any unclaimed property (vendor, or refund checks) will be presumed abandoned per the timelines established in the Act, currently 3 years from issue.

Payroll Checks: Any unclaimed property (wages) will be presumed abandoned per the timelines established in the Act, currently 1 year from issue.

Filing with State Treasurer: Yearly the District will file an annual report with the State Treasurer, per the procedures in the Revised Uniform Unclaimed Property Act, 765 ILCS 1026.

O. Tax Exemption

1. Sales and Use Tax

As a unit of local government, the District is exempt from the payment of sales and use taxes. Employees must present a copy of the sales tax exemption letter when making purchases on behalf of the District. Unless required by law, the District will not pay or reimburse sales and use taxes on goods purchased for the Park District. A copy of the exemption letter may be obtained

from either the employee's supervisor, the Finance and Human Resources Department, or on the District's intranet site.

2. Real Estate

For real estate owned by the District, a petition must be filed for each parcel with the County Board of Review requesting that the real estate be removed from the tax rolls and that no tax bills be issued in the future. Annually thereafter and prior to January 31, the District must reaffirm that the property remains exempt from real estate taxes.

P. Purchasing and Bidding Policies and Procedures

1. Competitive Bidding Procedures

Example #1

The Illinois Park District Code requires that all contracts for supplies, material or work involving an expenditure in excess of \$30,000 shall be awarded to the lowest responsible bidder, after due advertisement. In selecting the lowest responsible bidder, the District shall consider conformity with specifications, terms of delivery, and serviceability (70 ILCS 1205/8-1(c)). The following procedure must be followed when soliciting bids:

- (a) In a newspaper circulated in the District, the District publishes one public notice at least two (2) weeks before the bid opening date excluding, Sundays and major holidays. An advertisement may also be placed in publications which are circulated to those organizations best qualified to provide the needed goods or services. The advertisement should state the date, time, and place assigned for the public opening of bids; name and brief description of project; time and location to pick-up plans; the fee for a copy of the plans (if applicable); information regarding prevailing wage; and the address and phone number to call for questions.
- (b) Plans and specifications shall be prepared and made publicly available at least two weeks prior to the bid opening. The time and place of the bid opening shall be included in the bid documents. The District may charge a refundable or non-refundable fee for a copy of the specifications and/or for mailing costs based on the size of the project.
- (c) Instructions to bidders shall accompany each set of specifications issued indicating all terms and conditions relative to the bid procedures, including submission of certification requirements.
- (d) The bid must be sealed by the bidder, labeled "sealed bid," and include the name of the project to be accepted on the envelope.
- (e) To clarify the specifications and respond to prospective bidders' inquiries, the District can hold a pre-bid or pre-proposal conference prior to the opening of bids at which

attendance by potential bidders may be mandatory.

- (f) Any addendum or amendment to a contract must be distributed to all prospective bidders that have been sent or requested bid documents. An addendum/amendment is a change, addition, alternation, correction, or revision to the bid documents.
- (g) Bid proposals received prior to the bid opening deadline must remain sealed until the public bid opening.

Exceptions to the Competitive Bidding Process: As specified in the Illinois Park Code (70 ILCS 1205/8-1(c)), the bidding provisions listed (a) through (g) do not apply to the following:

- (a) The services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
 - (b) The printing of Finance Committee reports;
 - (c) The printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
 - (d) The purchase of magazines, books, periodicals, pamphlets, and reports;
 - (e) Emergency acquisition of services or personal property provided such expenditures are approved by three-fourths of the members of the Board;
 - (f) contracts for utility services such as water, light, heat, telephone or telegraph, contracts for fuel (such as diesel, gasoline, oil, aviation, or propane), lubricants, or other petroleum products,
 - (g) The use, purchase, delivery, movement, or installation of data processing equipment, software, or services;
 - (h) The use, purchase, delivery, movement, or installation of duplicating machines and supplies;
 - (i) The procurement of goods or services from another governmental agency;
 - (j) The procurement of equipment previously owned by some entity other than the District;
- and

Example #2

The Executive Director shall use a competitive bidding process for purchases undertaken by the Park District, when required by law or otherwise appropriate. When such a project has been let for competitive bidding, the Board will award the contract to the lowest responsible bidder in the best interests of the Park District in accordance with State law. In determining the responsibility of the bidder, the Board may consider the bidders' financial responsibility, general experience, past projects of similar nature, adequacy of equipment, ability to perform under current circumstances, references, and other pertinent matters. The Board may reject any and all bids when the Board determines that it is in the best interest of the Park District to do so.

Example #3

The Executive Director shall use a competitive bidding process for purchases undertaken by the District, when required by law or otherwise appropriate. When such a project has completed a

competitive bidding process, the Board shall award the contract to the lowest responsible and qualified bidder in the best interests of the District in accordance with State law. In determining the responsibility of the bidder, the Board must consider the bidders' financial responsibility, general experience, past projects of similar nature, adequacy of equipment, ability to perform under current circumstances, references, and other pertinent matters. Contracts for a public capital project should provide that the Board may reject any and all bid when the Board determines that it is in the best interest of the District to do so.

Example #4

Except for contracts, which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; contracts for the printing of finance committee reports and departmental reports; contracts for the printing or engraving of bonds, tax warrants, and other evidences of indebtedness; contracts for utility services such as water, light, heat, telephone or telegraph; contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services; contracts for duplicating machines and supplies; contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the District itself; and contracts for the purchase of magazines, books, periodicals, pamphlets and reports; and, excepting where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the Board, any contract for \$30,000.00 or more must be advertised for bid and awarded to the lowest responsible bidder by a majority vote of the Commissioners voting at a meeting of the Board. After approval by the Commissioners, the contract must be reduced to writing and, once signed, a copy kept by the District. Unless otherwise authorized by the Board, the contract will not become binding unless signed by the President, attested by the Secretary, and the corporate seal affixed.

2. Purchasing Policies and Procedures

(The previously approve policy will
be added to the final draft.)

3. Change Orders

Example #1

For construction projects with a budget under \$30,000, staff may approve change orders up to \$24,999.99. Change orders that bring the total contract amount above \$29,999.99 must be authorized by the board. For major construction projects with a construction budget greater than \$30,000, change orders complying with the following procedure are authorized: The total of change orders authorized by staff under this procedure cannot exceed the contingency line amount for a project. The contingency line will be that as recommended by design professionals and approved by the Board for a project or maybe up to fifteen percent (15%) of the project budget for projects that do not employ design professionals. Board approval is required for revision of the contingency line amount or of the construction budget for a project.

Example #2

This policy has been created to provide the Executive Director with the authorization to approve or deny certain change orders on which action is required within a limited time span. The Executive Director of the Park & Recreation District is hereby authorized and empowered to receive, review, investigate and approve or deny any and all change orders that authorize an increase or decrease in either the cost of a public contract by less than \$30,000 or the time of completion by less than 30 days on construction contracts for the Park District, in accordance with the terms and conditions of the contracts under which the change is requested. The Executive Director shall, as soon as practicable after acting on any change order pursuant to this policy, shall inform the Board: (a) that a change order has been requested; (b) the Executive Director's findings on the request for the change order; (c) the Executive Director's response to the change order. Upon completion of all documentation for the change order, the Executive Director shall circulate same to the members of the Board. In the absence of the Executive Director, the delegation of authority on certain change orders will transfer to the Superintendent of Business Services and Technology with Board President approval.

4. Bid Bonds and Performance Bonds

Example #1

Bid Bonds: As part of the bidding process, the District can require the bidder to provide a bid bond for 5% to 10% of the bid. The Bid Bond, if required, is due as part of a bidder's sealed bid and is released upon the receipt of the Performance Bond and a Labor & Material Payment Bond if the bidder is awarded the contract, or if a bidder is not awarded the contract, after the bid

opening. The bond is a guarantee that a bidder will enter into a contract if the bid response submitted by the bidder is accepted.

Labor and Material Payment Bond and Performance Bond: The Public Construction Bond Act states that districts entering into contracts for public works require that every contractor furnish a performance bond with “good and sufficient sureties” conditioned upon the completion of the contract and payment for labor and materials bond used in the work (30 ILCS 550/1, *et seq*). The amount of the bond should be 100% of the contract. Under certain circumstances, the statute allows for a letter of credit for contracts less than \$100,000 in an appropriate form of payment instead of a bond. The Performance Bond is retained until the end of the guarantee period as specified in the bid documents. The Bond protects the District from loss due to the bidder’s inability or refusal to complete the contract as agreed. Failure to supply required bonds within ten (10) days after the bid acceptance or within such extended period as the District may grant shall constitute a default, and the District may award the contract to the next responsible bidder or elect to re-advertise for bids. A defaulting bidder may be deemed liable for the difference between the bid originally accepted and that amount for which an award is subsequently executed. Before taking any adverse action against a contractor, the District will review the specific terms of the bonds it received to ensure that the notice requirements and any other requirements of the bonds are met. Although notice may be filed, the surety company may not be sued until the expiration of the 120 days after the date of the last work or materials were provided, unless the District and the contractor have entered into a final settlement prior to the expiration of the 120-day period (30 ILCS 550/1, *et seq*).

Example #2

The District may require as a bid surety a certified check, or bid bond equal to five percent (5%) of the base bid amount as a proposal guarantee in conformity with Illinois State Statutes. A successful bidder may be required to furnish a Performance Bond and a Labor and Material Payment Bond in an amount equal to one hundred percent (100%) of the construction contract awarded and payment of all obligations thereunder. Bond form will be A1A-311 or equivalent acceptable to the District. Failure to supply required bonds within fifteen (15) business days after the notification of award of contract or within such extended period as the District may grant will constitute a default, and the District may award the contract to the next responsible bidder or elect to re-advertise the bid. A defaulting bidder may be deemed liable for the difference between the bid originally accepted and the amount for which an award is subsequently executed.

5. Professional Services

Authority is given to contract for professional services for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part as follows:

- (a) Professional service fees, budgeted, of up to \$24,999.99 may be authorized by the

Director.

- (b) Professional service fees of up to \$4,999.99 may be authorized by the Project Manager.
- (c) Professional service fees, unbudgeted, between \$5,000.00 and \$9,999.99 may be authorized by the Director, or Department Head.
- (d) Professional service fees, unbudgeted, between \$9,999.99 and \$24,999.99 may be authorized jointly by the Director and the President of the Board, or in the absence of the President by the Vice President. The Board must be notified at the next scheduled meeting of any such obligation.
- (e) Professional service fees of more than \$24,999.99 must be authorized by the Board.
- (f) Staff-authorized contracts: additional services that bring the total contract amount above \$24,999.99 must be authorized by the board.
- (g) Board-authorized contracts: The total of additional services authorized by staff cannot exceed the contingency line amount for a contract. The contingency line will be that as recommended by staff and approved by the Board for a project, up to fifteen percent (15%), or as assigned by staff. Board approval is required for revision of the contingency line amount.
- (h) For federally funded projects administered through the Illinois Department of Transportation, the district will use the Qualifications Based Selection Policy for professional services
- (i) For contracts for architectural, engineering, or land surveying services, the District will comply with the Local Government Professional Services Selection Act, 50 ILCS 510/0.01 *et seq.*

Q. Insurance

1. Insurance Policies and Procedures

Example #1

The District is exposed to various risks of loss as defined by the Tort Immunity Act (745 ILCS 10/1-101 *et seq.*); theft of, damage to and destruction of assets; errors and omissions; injuries to the District's employees, users and visitors; public official liability; and net income losses. The District is a member of a public entity risk pool that combines member resources to administer insurance coverage. Being a part of the pool provides the District with long-term stability and availability of coverage. Coverage is provided in excess of specified limits for the members, acting as a single insurable unit for property, general liability, automobile liability, crime, boiler and machinery, [List any other coverages]

Example #2

The District will obtain insurance it deems necessary and sufficient for the protection of the

District, and its properties, officers, and employees.

2. Fiduciary Bonding Insurance Coverage

The District shall obtain adequate insurance that provides protection against both internal and external acts of fraud, dishonesty, and theft that may arise either from criminal intent or negligence. The following minimum coverage is to be maintained by the District:

- (a) Public Officials' Errors and Omissions Liability Coverage - This coverage protects the District and members of the Board from lawsuits arising out of decisions made by the Board. It also covers the organization from civil suits that arise from the announcement of statements or the distribution of documents to the public by either a Board member or employee that are flagrantly in error or fraudulent in their content. It does not cover any of the costs of a criminal defense that results in conviction.
- (b) Blanket Bond Coverage - This protects the District against losses due to dishonest or fraudulent acts by District employees.
- (c) Comprehensive Dishonesty, Disappearance, and Destruction Coverage - This coverage protects the District from losses of money and securities resulting from robbery and theft. This covers all District-controlled premises. It also covers losses from check forgeries.

R. Compensation Guidelines, Travel, and Withholding

1. Compensation Guidelines

It is the goal of the Park District to provide competitive wages and benefits to attract, recruit and retain outstanding employees to its workforce. The following Compensation Policy will establish the procedures by which this will be accomplished.

Annual Compensation Plan: Annually, staff will prepare, and the Board will approve, a Compensation Plan (Plan). The Plan shall contain a listing of every full-time, part-time and seasonal position, indicating the minimum and maximum salary ranges for each position. In preparing the Plan, staff will conduct or participate in a survey of the surrounding communities to provide comparable, market-based information on which to base its recommendation. Plan wide increases or decreases may be considered based on economic changes indicated in the U.S. Bureau of Labor Statistics local consumer price index (or other approved third-party metric). Increases or decreases to the salary ranges of individual positions within the Plan shall be based on documented changes revealed by the annual Survey.

Adoption and Publication of the Plan: The Compensation Plan will be adopted by Board resolution and be included as an exhibit in the appendix of the adopted annual budget. Copies will be made available to the public pursuant to the District's procedure in connection with the Freedom of Information Act.

Five-Year Review: Every five years, the entire Plan shall be reviewed by a qualified third-party consultant.

Performance Evaluations: The Executive Director shall establish an annual evaluation system intended to identify and rate the performance of District employees. Merit increases are tied to satisfactory or above satisfactory performance.

Individual Pay within the Salary Ranges: Each employee's individual training, experience and job performance as measured by his/her evaluations will be the basis for establishing that employee's annual pay within the salary range of the position.

Payroll/Pension Taxes for Compensation: As a governmental body reliant upon tax revenue for its operation, it is inappropriate for the District to compensate any employee in a manner that requires the District to pay the individual's portion of pension contributions, federal, state, or any other payroll taxes. It is therefore, the policy of the District that for any payment of salary, bonus or other compensation, the responsibility for payment of the employee share of any pension contributions, payroll tax or charge will not be assumed by the District.

Pension Spiking: It is the policy of the District that the practice known as pension spiking shall not be permitted for any of its employees. For the purposes of this policy, no salaried employee shall receive a bonus or any special payment which when added to the employee's base salary would increase that employee's total compensation for any tax year by more than 10% over the

maximum value for that employee's position, as shown in the duly adopted Compensation Plan for that year.

(a) **Example:** Compensation Plan Min Range Actual Max Range Max Comp. for Spiking Test:

1. Position A
 - i. Min Range: 60,000
 - ii. Actual: 68,500
 - iii. Max Range: 70,000
 - iv. Max Comp. for Spiking Test: 77,000

Annual Independent Audit to Determine Pension Spiking Compliance: The District will establish with its auditors an agreed upon procedure to confirm compliance with this policy. The auditor's finding will be included each year in the Comprehensive Annual Financial Report (audit).

Employee Use of District and Private Vehicles: The District recognizes that certain employees are required to travel by vehicles in the performance of their jobs. The District will provide vehicles whenever possible for that purpose. If a District vehicle is not available at the time of need, the employee may use his/her personal vehicle for travel, in which instance he will be reimbursed pursuant to IRS guidelines and District procedures. In certain limited circumstances where an employee's job requires him/her to be available to report to work immediately, that employee may be assigned a District vehicle and permitted to drive said vehicle to and from work, in which case the IRS regulations for imputing taxable income shall apply. The sale of any surplus District vehicle shall be approved by the Board of Commissioners at fair market value. In lieu of the use of a District vehicle, the Board may authorize the payment of a monthly car allowance to compensate the employee for the work-related use of his/her automobile.

At-Will and Contractual Employment: All of its employees serve the District on an at-will basis with the exception of the Executive Director who will work under the terms of a negotiated employment agreement with terms consistent with this Compensation Policy. Copies of such agreement shall be available to the public pursuant to the District's procedures in connection with the Freedom of Information Act.

Disclosure: A Disclosure Form will be completed by each Park Board member that acknowledges receipt for any employment contract or amendment that is entered into with the Executive Director. This form will detail the pension implications to the compensation package contained in the contract. Each Board member shall affirm on the Disclosure Form that they received the completed form and that they fully understand pension implications that have been set forth and in their capacity as a Commissioner, accept same.

IMRF Representative: Each year at the Board's annual meeting, the Executive Director shall disclose in writing to the Board, the name of the District IMRF's representative. If the Board enters into contract discussions with the IMRF agency representative regarding his/her position with the District, including, but not limited to compensation or pension issues, then the IMRF representative shall be suspended from acting in such capacity until such time as his employment

situation is finalized. During such time, the Board shall appoint a temporary IMRF representative to assume.

2. Food, Beverage and Travel Expenditures

Example #1

Purpose: In accordance with the Local Government Travel Expense Control Act (Public Act 099-0604), the Park District will reimburse certain employee, commissioner, and officer travel, meal, and lodging expenses incurred on behalf of the District. Reimbursement shall not be paid for any expense which is not related to business and affairs of the District. Employees, commissioners, and officers are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

Definitions: The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event. "Travel" means any expenditure directly incident to official travel by employees, commissioners, and officers of the Park District or by wards or charges of the Park District involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

Official Business for which Expenses May Be Reimbursed: Travel, meal, and lodging expenses shall be reimbursed for employees, commissioners, and officers of the Park District only for purposes of official business conducted on behalf of the Park District, which includes but is not limited to offsite or out-of-town meetings and pre-approved seminars, conferences and other educational events related to the employee's, commissioner's, or officer's official duties. No Park District employee, commissioner, or officer shall be reimbursed for any entertainment expense unless such expense is ancillary to the purpose of the program or event.

Maximum Allowable Reimbursement for Expenses: Travel, meal, and lodging expenses incurred by any employee in excess of \$1,000.00 must be previously approved in an open meeting by a majority roll-call vote of the Board of Commissioners. The maximum reimbursement for use of a privately owned automobile for Park District employees, commissioners, and officers will be the mileage rate determined by the most recently published IRS Standard Mileage Rates for Business that has been approved by the Board at the time the expense was incurred. When at all possible, District vehicles should be used. The maximum reimbursement for airfare for employees, commissioners, and officers will be the lowest available airfare that reasonably meets business travel needs. Park District employees shall use a P-card to pay for airfare expenses. Only coach or economy tickets will be paid or reimbursed. The Park District will also reimburse baggage fees up to one bag each way, if not already included in the airfare. Employees, commissioners, and officers will be reimbursed up to a standard single-room at locations convenient to the business activity. District employees shall

use a P-card to pay for lodging expenses. Hotel/motel accommodations are to be reserved in advance and secured at a moderate or conference rate. Reimbursement for lodging shall be limited to the number of nights required to conduct the assigned District business. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Meal reimbursement shall not exceed the meal maximum amount as set by the IRS guidelines noted in the Per Diem procedure. Meals provided by the conference or seminar should be deducted from any per diem allowance, as and if applicable. Parking fees at a hotel/motel will be reimbursed only with a receipt.

Approval of Expenses: The Board of Park District Commissioners must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting:

- (a) Any reimbursable expense of an employee that exceeds the maximum amount appropriated and/or allowed.
- (b) Any reimbursable expense to any officer or member of the Park District Board of Commissioners.

Documentation of Expenses: Before any reimbursable expenses for travel, meals, or lodging may be approved, the following minimum documentation must first be submitted, in writing, using the Park District's Travel, Meal, and Lodging Expense Reimbursement Form:

- (a) An estimate of the cost of travel, meals or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals or lodging if the expenses have already been incurred;
- (b) The name of the individual who received or is requesting the travel, meal or lodging expense;
- (c) The job title or office of the individual who received or is requesting the travel, meal or lodging expense; and
- (d) The date or dates and nature of the official business in which the travel, meal or lodging expense was or will be expended. All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act, 5 ILCS 140/1.

Example #2

Purpose: The Board of Park Commissioners of the Park District will reimburse employee and commissioner travel, meal, and lodging expenses incurred in connection with pre-approved travel, meal, and lodging expenses incurred on behalf of the Park District. Employees and commissioners are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

Definitions: "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event. "Travel" means any expenditure directly incident to official travel by employees and commissioners of the Park District or by wards or

charges of the Park District involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

Authorized Types of Official Business: Travel, meal and lodging expenses shall be reimbursed for employees and commissioners of Park District only for purposes of official business conducted on behalf of the Park District, which includes but is not limited to off-site or out-of-town meetings related to official business and pre-approved seminars, conferences and other educational events related to the employee's or commissioner's official duties. If an employee/commissioner are unsure whether an expense is reimbursable, please contact the Executive Director.

Categories of Expenses:

- (a) Airfare – Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his personal funds.
- (b) Personal Automobiles – Mileage reimbursement will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or commissioner's residence. When attending a training event or other off-site official business directly from an employee's or commissioner's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or commissioner's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or commissioner will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.
- (c) Automobile Rentals – Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, e.g., using the vehicle after the conference has ended. Compact or mid– size cars are required for two or fewer employees or commissioners traveling together and a full– size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.
- (d) Public Transportation – In the case of local training or official business where an employee or commissioner chooses to use public transportation, reimbursement for use of public transportation is based on mileage from the agency office to the training site (not from the traveler's residence), regardless of the transportation method chosen. When attending training or business directly from an employee's or commissioner's residence, no reimbursement will be made if the distance is less than the mileage of a normal

commute to the workplace. If the distance is higher than the traveler's normal commute, reimbursement will be paid at the differential of the commute less the mileage of a normal commute to the workplace.

- (e) Other Transportation – The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.
- (f) Hotel/Motel Accommodations – The traveler will be reimbursed for a standard single room at locations convenient to the business activity. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the Park District unless approved by the Executive Director or designee.
- (g) Meals Meal reimbursement is limited to the current U.S. General Services Administration (GSA) regulations in place at the time the expense is incurred. Prior approval by the Board of Park Commissioners and submission of receipts are required for per diem allowances. Meals provided by the conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the GSA regulations.
- (h) Vacation in Conjunction with Business Travel – In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel, Meal, and Lodging Expense Report form and paid by the traveler.
- (i) Accompanied Travel – When a traveler is accompanied by others not on official business, any lodging, transportation, meals or other expenses above those incurred for the authorized traveler will not be reimbursed by the Park District.
- (j) Parking – Parking fees reimbursed only with a receipt.
- (k) Entertainment Expenses - No employee or commissioner of the Park District shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.

Approval of Expenses:

- (a) Expenses for Members of the Board of Park Commissioners. Travel, meal, and lodging expenses incurred by any member of the Board of Park Commissioners must be approved by roll call vote at an open meeting of the governing board or corporate authorities of the local public agency.
- (b) Expenses for Officials or Employees Other than Members of the Board of Trustees. Travel, meal, and lodging expenses incurred by any official or employee not covered by paragraph (a) (member of the Board of Park Commissioners) in excess of \$400 per day must be previously approved in an open meeting by a majority roll-call vote of the Board of Park Commissioners.

- (c) Advanced Expenses. Travel, meal, and lodging expenses advanced as a per diem to any employee or official of the Park District must be approved by roll call vote at an open meeting of the Board of Park Commissioners prior to payment. Documentation of expenses must be provided in accordance with this Policy as set forth below, and any excess from the per diem must be repaid.
- (d) Other Expenses. All other expenses are subject to the Executive Director's approval.

Documentation of Expenses: Before an expense for travel, meals, or lodging may be approved under this Policy, the following minimum documentation must first be submitted, in writing, to the Executive Director or Department Head on a Travel, Meal, and Lodging Expense form:

- (a) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;
- (b) the name of the individual who received or is requesting the travel, meal, or lodging expense;
- (c) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
- (d) the date or dates and nature of the official business for which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act.

Travel, Meal, and Lodging Expense Report Form: The Park District hereby adopts as its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Report form found below.

Travel, Meal, and Lodging Expense Reimbursement Form (this form still needs to be edited- will be included n the final draft)

Name of Official or Employee: _____

Title/Position of Official or Employees: _____

Name and Date of the Activity/Event: _____

Check Number (if applicable): _____

Credit Card Receipt Number (if applicable): _____

Description of the purpose of the expense:

Reimbursement Expense (Estimated Costs or Actual Costs with receipts copy, if applicable):

Mileage: _____

Meals: _____

Parking: _____

Hotel/Lodging: _____

Car rental: _____

Airfare: _____

Other Transportation (bus, train, taxi, shuttle, etc.): _____

Employee's/Commissioner's Signature:

Date: _____

Finance Director's Authorization: _____

Date: _____

Attach All Receipt Copies

3. Non-Travel Expenditures

In limited circumstances, departments may provide food and non-alcoholic beverages with Park District funds. Minimal food and beverage purchases, such as bagels and coffee, may be made for meetings and trainings as approved by the department director. All food and beverage expenditures must be paid using department budgeted funds. Examples of situations for which District expenses may be used for food and beverages include, but are not limited to:

- (a) Staff training sessions where it is not practical to disrupt the session for an offsite lunch break. Staff training may be defined as development, leadership, or specialized training essential to help staff acquire subject matter expertise in their functional areas.
- (b) Non-regularly scheduled meetings, held during the lunch hour, where it is not practical to go off-site for lunch to complete business, or meetings held during non-business hours (i.e., early morning meetings, evening meetings, or weekends) where it is not practical or may be disruptive to go offsite.
- (c) Board meetings scheduled during a meal period where it would not be practical for the Board of Commissioners and staff to go offsite.
- (d) Recognition events, receptions, special events, and/or meetings where the District is hosting individuals, groups, etc., and provide food and beverage services.

Departments may spend a maximum of \$25 per employee per year for recognition events such as picnics or luncheons. Purchase order/check request forms for food and beverage purchases must include the following detail:

- (a) reason for the food and/or beverage purchase (from the detail above);
- (b) original itemized receipt for the purchase; and
- (c) names of the individuals/employees for which the food and beverages were purchased.

4. Payroll Withholding

The collection of State and Federal income taxes levied against employee earnings by the District is authorized and stipulated by both State and Federal law. The method of collection is the withholding or deduction of the amount of the respective tax from the bi-weekly wage payments to all employees. Funds withheld for State income tax purposes are forwarded to the State of Illinois Department of Revenue with a completed Form IL-501. Additionally, Form IL-941 is completed and submitted for each calendar quarter no later than the last day of the month following the close of the preceding quarter. Federal income taxes withheld (Social Security and Medicare) are deposited electronically within three (3) days of the payday, utilizing the Internal Revenue Service's Electronic Federal Tax Payment System. Form 941, the Employer's Quarterly

Federal Tax Return, shall be submitted for each calendar quarter no later than the last day of the month following the close of the preceding quarter. W-2 forms for each employee must be prepared, postmarked and mailed by January 31 for the calendar year ending at December 31 of the preceding year. The W-3 form (compilation of the W-2 forms) shall be completed and filed no later than February 28 for the calendar year ending at December 31 of the preceding year.

5. Illinois Municipal Retirement Fund

Employees expected to work at least 1,000 hours over a twelve (12) month period must enroll in IMRF as required by State law. Employee contributions to IMRF are withheld from the wages paid and deposited with IMRF along with the employer contribution on a monthly basis. Annually, IMRF informs the District of the percentage of the employee wages required to be collected and the employer contribution percentage for the upcoming year.

S. Gift Certificates and Gift Cards

Gift cards, regardless of the value, are considered cash equivalents by the Internal Revenue Service (IRS) and are subject to tax reporting. Departments purchasing and distributing gift cards are responsible for compliance with IRS regulations and District policies. For employees, the value of gift cards are considered compensation, subject to tax and reportable on Form W-2. For non-employees, the value of gift cards in the aggregate amount of \$600 or more per year must be reported on Form 1099-MISC. Guidelines for purchasing gift cards are as follows:

- (a) Gift cards must have a value of \$100 or less. Individual gift cards may not have a face value greater than \$100 without prior approval from the Executive Director.
- (b) A gift card may be purchased for an event or part of an incentive program. For example, a department may purchase a gift card/certificate as a prize or award. The receipt must specify the purpose of the expense.
- (c) Gift cards may be purchased as a thank you for a volunteer as long as the volunteer is not a District employee or a contractor currently under contract.

- (d) Gift cards should be purchased using the district's p-cards. A copy of the receipt and who the gift card is disbursed to must be listed in the description on the p-card payment voucher.

Gift Card Terms and Conditions: Gift Cards are neither returnable nor refundable for cash.

IV. PARK AND FACILITY GUIDELINES AND PROCEDURES

A. Property

1. Land Acquisition

Example #1

The Board may seek to acquire additional land for park purposes. Land acquisition may include a gift and bequest, purchase, dedication, exchange or transfer, and eminent domain or condemnation. When reviewing a potential property acquisition, the Board and staff should consider proposed development, cost of acquisition, expected maintenance costs and issues, expected liability issues and impacts to neighboring property. Additionally, the following criteria should be utilized when undergoing this review and determining the appropriateness of such property. These are not meant to be absolute criteria, but rather a guide for Board and staff review when considering each property acquisition based on its own merit.

- (a) Proposed property uses will significantly enhance the District's recreation and leisure activities and amenities.
- (b) Proposed property uses fit the present and future needs of the District.
- (c) Property is adjacent to existing District-owned or leased land or other community open space (e.g., schools, Forest Preserve, etc.), which will allow for the expansion of recreation amenities and/or additional open space.
- (d) Property is in an underserved area(s) of the District based on the District's Comprehensive Plan land acquisition priorities.
- (e) Property provides a link(s) to existing and/or planned paths, trails, and/or parks.
- (f) Property facilitates the protection of wildlife, unique vegetation, and/or the riparian ecosystem.
- (g) Funding is available to acquire, develop, and maintain the property and can be utilized without negatively impacting the Board's ability to meet its financial policies.
- (h) Property has sufficient public and utility access.
- (i) If lying in the flood plain or serving as detention basins, property must have significant recreation opportunities.
- (j) The District must undergo a land acquisition environmental review before acquiring property. The District's Land Acquisition Environmental Review policy outlines the procedures for conducting this assessment.

Example #4

Land should be acquired for the long-term leisure uses by the residents and the enrichment of the community. Efforts should be made through leases, easements and other mechanisms to provide for park purposes uses of public property owned by other public agencies or private entities.

- (a) Property should be acquired based on an overall plan and should have a positive community effect.
- (b) Property should be publicly acquired whenever feasible regardless of the immediate need to develop the property.
- (c) The District should plan cooperatively with other local and regional government entities or planners in order that land can be acquired as part of a comprehensive plan.
- (d) Areas of unusual natural features or historical/cultural interest should be considered for acquisition to preserve those values
- (e) The Board has made prudent and dramatic land acquisitions over the years to enhance the quality of life for the residents of the Park District. The District has a system of parks that includes Neighborhood, Community and Special Purpose Parks. There are times that the District has and would acquire land for parks including adding land to enlarge and enhance existing park land and/or land that has specific natural or historic significance.

Some of the issues the board should discuss when considering increasing the District's land holdings include:

- (a) Development of the land and its associated maintenance can be adequately provided for without violating the Board's tax levy guidelines and without affecting funding for the capital improvements called for in the current Strategic Plan and Comprehensive Master Plan.
- (b) The acquisition and its proposed use will significantly enhance the recreation and leisure activities that the District can provide to its residents.

2. Due Diligence

a) Land Acquisition Environmental Review

The purpose of this policy is to outline the District's procedures for conducting an environmental assessment prior to acquiring real property. An environmental assessment will minimize the potential liability of hazardous substances or other environmental cleanup costs and damages associated with the acquisition of any real property. The procedures are intended to ensure that the District determines, prior to real property acquisition, the likelihood of the presence and extent of hazardous substances related and other environmental liability associated with real property. Such determinations must be a consideration in any decision to acquire real property and to assess the total actual or potential cost of or resulting from the acquisition for remediating any identified hazardous substances or environmental damage.

b) Environmental Site Assessment

Phase I Survey: Prior to acquiring real property, the District must conduct a Phase I Environmental Survey to determine whether there are any potential hazardous substances or other environmental problems. The Survey should include an analysis of an environmental site to determine the potential of, and extent of liability for hazardous substances or other environmental remediation or injury. A hazardous substance means all CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) listed substances, petroleum products or their derivatives (including aviation fuel and motor oil), and environmental problems include problems associated with environmental contamination, whether or not involving hazardous substances. The Phase I Environmental Survey should recognize existing environmental conditions and include information that is reasonably ascertainable and complete in terms of technical accuracy and comprehensiveness.

Phase II and III Surveys: A Phase II Environmental Survey may be necessary when the Phase I Survey identifies a potential hazardous substance. The Phase II Survey must include sampling to determine whether there is a presence or absence of hazardous substances in the potential sites identified in the Phase I Survey. If the District decides to continue with the proposed acquisition and a hazardous substance is present, a Phase III Environmental Survey must be conducted and include additional sampling and research to determine the extent of any hazardous substance and the actual or potential cost for remediation. Recommended remediation must meet the requirements and standards of applicable Federal and state laws applicable to hazardous substance management or clean-up, and projected remediation or other clean-up costs must include the actual or potential costs to the District for remediation or other environmental clean-up, or other damages or costs associated with hazardous substance contamination of real property. Lastly, all environmental surveys must be conducted by qualified individuals such as an Environmental Contaminants Specialist or contractor approved by the District.

c) Evaluation of Potential Property Acquisition after Environmental Assessment

If a hazardous substance or other environmental problems are found on property being considered for acquisition, the Park Board and staff must weigh the environmental and/or public benefits relative to the total cost of the acquisition including the following:

- a. Fair market value;
- b. Actual or potential remediation or other environmental clean-up costs; and

- c. Any known or reasonable estimated monetary damages that could be associated with the acquisition.

3. Sale of Real Property

The Board or its designee will periodically review all District-owned real estate and determine the appropriate use of the property. The District shall evaluate the current use of, potential uses of, estimated market value of, cost of maintaining, and benefits to the community at large of the property when determining whether the property should be retained, leased, licensed, or disposed of. The District's goal is to optimize the use, sale price, or revenue generated from District-owned property.

Classification: Using the inventory, the Board or its designee shall classify the intended use of all Park District-owned properties and shall categorize said properties as sell, retain for public purpose, lease, license, or other. The Board or its designee may then choose to act on this designation as described herein.

Board Declares Property Surplus: The Board shall declare a decision whether to sell or not sell. The Board shall declare a decision whether to sell by Resolution. As part of the Resolution, the Board may place conditions on the property sale. The District shall declare a decision whether to not sell in a public meeting.

Sale of Real Estate: District-owned property may be sold by a negotiated sale with a developer and/or licensed real estate broker, at the discretion of the Board.

Board Approval: Notice of the property sale shall be published as required by the Park District Code and the final purchase price and contract shall be subject to approval by the Board. For the sale of land which is three (3) acres or less, the District shall file a petition with the court and follow the requirements of the Park Commissioners Land Sale Act, 70 ILCS 1235/1. For the sale of land in excess of three (3) acres, the Park District shall conduct a referendum on the sale as required by the Park District Code, 70 ILCS 1205/10-7, *et seq.*

Payment for District Surplus Property: Sales of real property shall be on a cash basis, unless otherwise authorized by the Board.

Properties to Be Leased or Licensed: The District shall strive to obtain a fair market rate of return on Park District-owned or controlled property being considered for lease or license and negotiate terms and conditions that will continue to sustain a fair market rate of return through rent or use fee review, consumer price index adjustments, reappraisals, or the application of percentage rents or use fees to gross income.

Legal Considerations: Prior to the lease or license of any District-owned property, the District shall consider whether a lease or license is the appropriate means of conveying a property or use interest, based on the use of the property, the length of the agreement, the tax status of the property and the user, and the proposed terms of the agreement.

Notice of Intent: The Board shall provide a Notice of Intent to lease property. A notice shall be sent to the "adjoining property owners," and community. For purposes of this notice, "adjoining property owners" shall be the property owners of all properties adjacent and contiguous to the surplus property. The notice shall inform adjoining property owners and community of the intent to lease. The notice shall invite the adjoining property owners and community to appear before the Board so concerns can be addressed.

Board Lease: The Board shall declare a decision whether to lease or not lease. The Board shall declare a decision whether to lease by Resolution. As part of the Resolution, the Board may place conditions on the property lease. The District shall declare a decision whether to not sell in a public meeting.

Lease of Real Estate: District-owned property may be leased by a negotiated sale at the discretion of the Board.

Payment for District Surplus Property: Sales of real property shall be on a cash basis, unless otherwise authorized by the Board.

4. Leasing Property (as Lessee)

Example #1

The District has the power to lease property. The District can lease, by the affirmative vote of two-thirds of the Board, equipment and machinery for up to eight (8) years (70 ILCS 1205/8-13). Additionally, upon the affirmative vote of two-thirds of the Board, the District can lease real estate for a period not to exceed 99 years and to improve it as may be required (70 ILCS 1205/8-16).

Example #2

The District may execute a lease of real property when the Board determines that such a lease would enhance the ability of the District to provide quality services to its residents. Each such lease shall be made in accordance with the provisions of the Illinois Park District Code.

5. Easement Requests

Example #1

The Illinois Park District Code specifies a park district's power to grant easements to municipalities, corporations, or persons for the construction, operation, and maintenance of facilities upon, under or across any property of such district for water, sewer, telephone, electric, gas or other public service, subject to such terms and conditions as may be determined by the District (70 ILCS 1205/8-11). Prior to granting an easement, the applicant's request must meet the following terms and conditions:

- (a) Not interfere with existing or intended development plans of the requested park site.

- (b) Not place undue use restrictions on the park site during the construction phase or once the ground is repaired and available for public use.
- (c) Fully restore at the grantee's expense all landscape items such as trees, shrubs, sod, and other items to their original condition or better condition as determined by the District.
- (d) Serve the Park District's interests or as approved by the Board or its designee. The District should review each request and determine if the grantee can provide some improvement for the benefit of the residents of the District.
- (e) The District may grant a temporary or permanent easement. A security deposit, certificate of insurance or bond may be required in addition to a written statement from the owner that all damages to park property will be fully paid by said owner. If, at some later date, an easement interferes with the development of the District, the Board should make every attempt to require that the grantee agree that he/she will relocate the easement area.

Example #2

A purpose of District ownership of lands, beaches and water bodies is to provide public open space and recreational services. Another purpose of District ownership of lands, beaches and water bodies is to preserve natural features and natural processes, vegetation, wildlife and landscape aesthetics for public enjoyment and the general environmental good. Portions of some properties near District property, particularly nearby lakefront properties, are difficult for their owners to reach. These owners may often be restricted from convenient access to carry out construction projects. The District seeks to meet its public obligations in every way and also seeks to be a good neighbor where there is no conflict in meeting both aims. However, the use of park properties to reach nearby properties for construction purposes has the potential of causing environmental or public safety hazards, disrupting public use of park property, and causing damage to the facilities, lands, vegetation and other features of the particular park property or beach. Further, various design features of a park such as path surfaces, parking lots, etc., are engineered to sustain their normal public use and are not designed to withstand the weight or wear and tear typically experienced from trucks and general construction machinery. In view of these considerations, it is the policy of the District that property owners to pursue all possible other alternatives rather than consider access on or across park property for construction purposes.

Concerns: The District requires persons seeking permission for access on or across District owned property to show clearly that the applicant has made full arrangements to satisfactorily meet the concerns of the District. These concerns include, among others, the following:

- (a) Protection of the environment;
- (b) Minimal disruption of public use and public enjoyment;
- (c) Protection of the physical condition of park lands, vegetation and facilities; and
- (d) Avoidance of public safety hazards, public nuisance and public health problems.

Fees: The District charges a fee for any license or easement to use Park Property. Such fees are not to be considered in any way a release from responsibility on the part of the applicant for repair and full redress of any and all damages, injuries or other undesirable effects experienced

as a result of the applicant's use of District property.

Testing: The applicant may be required to pay for any testing or sampling required by the District before, during or after the work where such testing and sampling is useful to give the District assurance regarding its concerns.

Agreement Requirements: The applicant shall additionally be required to provide the District the following:

- (a) Evidence of ownership of the property on which the construction is proposed.
- (b) Evidence of appropriate insurance which protects the District from all liabilities and damages arising in any way from the activities of the applicant, the applicant's contractors or the applicant's agents. The easement or license agreement shall indicate that the applicant, or its contractor(s) or agent(s), will have in effect during the entire period for which the permit is sought, public liability insurance of not less than \$2 million, and property damage insurance of not less than \$2 million or such amount determined at the discretion of the Executive Director. The insurance must be provided by a carrier acceptable to the Park District. The Park District (and, if the property is leased by the Park District, also the lessor) must be named as a primary, non-contributory additional insured under the policy or policies of insurance. All such general liability policies shall contain standard separation of insured provisions or endorsements.
- (c) A letter of credit adequate in amount to cover probable damages, which amount is arrived at according to the best estimate of District staff and, in addition to the letter of credit, the easement or license agreement shall require the applicant to cover all costs incurred to repair or replace any facilities, trees or other features of the park property being used which are any way damaged by the work or as a result of the work either during or following construction.

Indemnification: Easement or license agreements will require:

- (a) an indemnification / reimbursement provision as part of the agreement in substantially the following form:

[T]he Owner further agrees to indemnify and hold harmless and defend the Park District, and its former, current and future officials, agents, servants, employees, attorneys and insurers and/or successors in interest of any kind, for and from any and all claims, actions, omissions, losses, injuries, lawsuits, counterclaims, debts, dues, obligations, judgments, awards, demands, liens, expenses, attorneys' fees, costs and expenses and costs of litigation, expert witness fees and consultant fees, and liability for damages of any kind and causes of action of any kind and nature, whether known or unknown at this time, whether present or future or contingent, that are brought or filed against the Park District, or any of its former, current and future officials, agents, servants, employees and insurers and/or successors in interest of any kind, by any person or entity arising out of, relating to, connected with, or in any way associated with this Agreement. In the event that such a claim, action, cause of action or lawsuit is brought or filed, the Park District, and its former, current and future officials, employees, servants, agents, attorneys, insurers, and/or successors in interest sued thereunder, shall have the right to

determine the attorney(s) of its, his, her or their choice to represent and defend their interests in any legal or administrative action, all at the Owner's expense pursuant to this Agreement.

- (b) Written assurance from the applicant that park property shall in no way be used to transport across, store on or assemble on any materials, equipment or items which could pose a danger or hazard for the public health or the environment.
- (c) Written evidence from other adjacent or nearby property owners to demonstrate that they have been approached and are either ready or unwilling to participate in the work proposed if such would in any way be appropriate to the work (as, for example, is often the case in lakefront projects to prevent erosion or bluff slippage). This is to help minimize the necessity of repeated use of a parcel of park property for similar construction projects.
- (d) To further encourage such single-time use adjoining neighbors may apply together and share the fees, though separate assurances of performance and responsibility shall be required.

Approval of Agreement: The Executive Director may approve an agreement being applied for after careful consideration and after hearing the recommendation of District staff. The staff shall make recommendations regarding each application after adequate time and information have been provided. Nothing in this Policy shall imply that the District is bound make an agreement regardless of the information or evidence provided by the applicant.

6. Disposal of Property

Example #1

The Board may decide to liquidate certain personal property it has accumulated Personal Property. If the District owns any personal property that in the opinion of the Board is no longer necessary, useful to, or for the best interest of the District, three-fifths of the Board may authorize, by ordinance, the conveyance or sale of the personal property in any manner that they may designate, with or without advertising the sale (70 ILCS 1205/8-22). The liquidation, sale, or disposal of any item regardless of value, shall be done at least on a quarterly basis and reported to the Director of Finance and Human Resources to update the Fixed Asset Ledger in accordance with accounting principles insurance requirements.

Example #2

In accordance with 70 ILCS 1205/8-22, from time to time the District performs planned “life expectancy” and equipment reviews on personal property may no longer necessary or useful to the District or may need replacement. Three-fifths (3/5) of the Board members will approve cost for replacement equipment within its budget and authorize disposition of the old or no longer necessary equipment. In this event, the Executive Director will have the option of selling the items via public auction, without a third-party vendor. The Board must approve all items for sale

and the highest bid will be accepted (unless a minimum bid is established and not met).

B. Annexation

Example #1

It shall be the practice of the District to maintain its boundaries as coterminous as possible with the City boundaries. Therefore, the Park District will obtain all Annexation Ordinances passed by the City and review each to determine annexation desirability. Areas will be considered for annexation whenever the long-range requirements for open space of the District can be served and the following conditions are met:

- (a) The District can serve the area;
- (b) The area is not currently being provided with park and recreation services through another park district or municipality; and
- (c) The cost of providing services will not place a financial burden on residents of the District.

The legal requirements for annexation and disconnection (deannexation) are set forth in the Illinois Park District Code, including an ordinance, referendum, or petition depending on the circumstances surrounding the annexation. The Park District Code also provides that a property owned by the District cannot be annexed by a municipality without the express consent of the District's Park Board (P.A. 94-0396).

Example #2

All territories being annexed to the District will be annexed by ordinance adopted by the Board.

Example #3

The Board will annex for purposes of extending taxation on any and all land appropriately available. At any time the Village annexes property not currently within the corporate boundaries of the Park District; the Board will act to annex the same parcel.

C. Recreation Programs

1. Specific Procedures

Example #1

Hours of Operation

The Recreation Department offers programs, services and facilities, which are scheduled to provide opportunities for participation by the community. Dates and hours for specific programs and facilities are found in the District's seasonal program guide. The program guide is published four times per year and is mailed to resident households and available at facilities with a

reception desk or on the District's website. The District has daytime, night, and weekend offerings to accommodate participants and programming is scheduled year-round.

Pricing

Pricing for recreation programs is primarily market-driven, taking into account that the Recreation Department receives tax revenues in addition to program fee revenues. Programs intended for the entire community are generally offered without a fee as they are fully supported by tax revenues. However, more specialized offerings that serve a smaller, targeted segment of the community are partially subsidized with tax revenues and, as a result, have a fee imposed intended to cover a pre-determined percentage based on District cost recovery goals.

Participation in Recreation Programs

Participation in activities sponsored by the District are open to residents and non-residents. Various age, gender and enrollment criteria may be established for particular programs. Residency is determined as the living address or property owner. Non-residents of the District may register for District programs provided that their entrance into programs will not exclude a resident who was provided an earlier opportunity to participate. Additional fees are charged to non-residents as they do not provide financial support to the District through property taxes. The District shall attempt to provide recreation program opportunities based on the desire and interest of the community provided that finances and facilities are available and that the activity is appropriate in nature, in the best interest of the participants, and aligned with the District's mission.

Program Cancellations

On occasion, planned programs are canceled for a variety of reasons, including inadequate registrations, scheduling conflicts, or weather-related situations. Program Supervisors are responsible for making the determination to cancel programs and for ensuring that the intended participants, as well as the appropriate staff, are notified when a program is cancelled.

2. Program Evaluation and Participant Feedback

Example #1

The Recreation Department recognizes the importance of, and highly values, feedback from participants. Therefore, participant evaluations of recreation programs and services are conducted on a regular basis. Results of evaluations are used to change and improve existing offerings and to generate ideas for new programs and services.

Example #2

It is the policy of the Park District to encourage participants in recreation program areas to complete evaluation forms. These forms provide feedback to program supervisors for

improvements and changes. Program evaluation statistics are compiled quarterly and forwarded to the Director of Operations and Executive Director. Evaluation feedback is also forwarded to the Communication and Marketing department in order for them to better evaluate the effectiveness of the marketing plan.

3. Registration

Example #1

Registration Categories:

- (a) **Residents** - There is a designated registration period during which residents who reside or own property within the District's boundaries have the opportunity to enroll in programs before competing with non residents.
 - (i) Proof of residency is required to register for all recreation programs. Proof of residency can include a current driver's license or state identification card, utility bill, lease agreement, home bill of sale, and other forms of acceptable identification. Registration for recreation programs is limited to the individual's immediate family residing in the family household.
- (b) **Non-Residents** - Once the designated registration period for residents ends, non-residents may register for recreation programs.

Registration Procedures:

- (a) **Minimum/Maximum** - Minimum and maximum numbers of participants are established for each recreation program to ensure that they meet their budgetary requirements and have appropriate staff participant ratios.
- (b) **Deadlines** - Registration deadlines are established for certain recreation programs where it is necessary to commit to specific programming needs in advance of the start of the program (e.g., trip tickets, summer camp, preschool, Rec Station, etc.).
- (c) **Ways To Register** - Registration for programs may be completed in any one of the following ways: mail, drop off, or online. Specific registration procedures are outlined in the District's program guide.
- (d) **Registration/Waitlist Confirmations** – Generally, registrants will receive confirmation, either in writing or electronically, of their successful registration(s) and any program(s) for which they have been placed on a waitlist.

4. Communication

Signage, Postings, Bulletin Boards: All signage presents a professional image and must include the District's logo. Handwritten signs are prohibited, except when unforeseen emergencies arise. Handwritten signs are to be removed or replaced within twenty-four (24) hours. All signage is to be worded and placed at locations that reflect positively upon the District, and if it is ripped, torn

or curled at the edges, it must be removed and replaced immediately. The Marketing and Communications Department approves all poster displays and flyer distribution requests by outside agencies.

5. Statistics and Data Collection

Example #1

The District will, on a regular basis, maintain statistics for recreation programs, to be used in planning for improvements to current programs, and the addition of new programs.

Example #2

The District will regularly and routinely gather and analyze statistical data pertinent to the effective management of leisure services to our constituents. This data collection will be done with the goal of providing the best customer service possible. It will also be gathered to ensure the proper mix of services is offered to the community on a cost-effective basis.

6. Services for People with Special Needs

Example #1

Special Recreation Association: The (SRA) was formed through an intergovernmental agreement and is an extension of the [List Park Districts and Recreation Department Members]. Through membership in the Special Recreation Association, the District provides programs and services for individuals of all ages with special needs. Program offerings include Special Olympic athletics, social clubs, special events, trips, summer camps, and art programs. In addition, the District works with the SRA to provide reciprocal agreements, which allows the District to utilize tax funds in the Special Recreation Association Fund for funding facility capital improvements that address compliance with the regulations set forth by the Department of Justice under Titles II and III of the Americans with Disabilities Act (ADA) and the 2010 Standards for Accessible Design. This agreement has no financial impact on the SRA.

Inclusion Services: The District understands that not all participants with special needs desire or require specialized programming. As a result, and in accordance with the ADA, the District is committed to providing reasonable accommodations, which include one-on-one aides, program modifications, and special equipment at no additional cost to the participant. These accommodations are available for all programs to provide inclusive recreational opportunities to all interested individuals. The inclusion process includes an assessment of the individual participant's needs, development and implementation of a behavior management plan, and training/scheduling of appropriate staff.

Contractual Programs: In addition to offering programs that are led or instructed by District staff, the Recreation Department also works with independent contractors to provide additional recreational opportunities. Independent contractors are typically utilized to provide specialized types of opportunities unavailable through District staff and facility resources. Examples include computer instruction, martial arts, and visual arts. Contractors develop curriculums and course content, are paid on a per capita basis, are required to maintain appropriate insurance coverage, and adhere to the mission of the District and Recreation Department.

Cooperative Programs: The Recreation Department offers opportunities on a cooperative basis with other service-oriented providers. The resulting programs are beneficial to both parties and offer opportunities to District participants that would otherwise be unavailable. Examples include cooperative trips and luncheons with other Districts and with other program providers.

Transportation: The Recreation Department coordinates transportation as a component of some program offerings, including SRA programs, trips, and camp/program field trips.

General Emergency Procedures: The Recreation Department adheres to all emergency operations procedures as established in the District's Emergency Operations Plan. In addition, the Director of Recreation, Division Manager - Registration, and Program Supervisors carry cell phones so staff can contact them immediately in the event of an emergency. Cellular phones are provided to various program leaders, as appropriate, to respond to emergency situations. All part-time staff are provided phone lists to contact supervisory staff during emergencies.

Class Lists/Attendance: Instructors are provided individual copies of their class attendance lists. The instructors have copies of their class list in the classroom during class time if they need to contact a parent during the course of a program. If it becomes necessary to vacate the building, the instructors bring the class lists with them to ensure that participants' parents can be contacted to pick up children from a remote location. Additionally, instructors should have class lists with phone numbers outside of program times in case they need to contact participants due to cancelled classes, etc. Program attendance is taken to ensure that all participants are accounted for should it be necessary to leave the room and regroup.

Health and Safety Alerts: As provided by the County Health Department, the District sends Health Alerts to program participants (or posts them for drop-in programs) if participants may have been exposed to an infectious disease.

7. Transgender Persons

Example #1

Discrimination Prohibited: This policy is designed to create a safe and inclusive environment in which community members, visitors and participants can be honest and open about who they are and feel comfortable using District facilities, participating in programs and attending Park

District events. This policy acts as a guideline; each situation that occurs will need to be evaluated on a case by case basis. It is the District's policy to treat everyone with dignity and respect and to provide facilities, services, programs and events that are free of discrimination whether that discrimination is based upon race, color, religion, gender (including pregnancy, gender identity, gender expression, gender change, gender orientation, gender stereotyping, or transgender status), national origin, disability, parental status, political affiliation, genetic information, marital status, membership in an organization, age, reprisal, or other unlawful factors. The Park District offers programs, services, facilities and events consistent with its obligation to maintain an environment that is free of discrimination, including discrimination that is based upon gender identity or perceived gender non-conformity. The following definitions are not provided to label individuals but rather to assist in understanding this policy and the obligations of District. These terms may or may not be used by transgender individuals to describe themselves.

- (a) "Gender identity" or "Affirmed Gender" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Gender identity is also defined as an individual's internal sense of being male or female or something else. It is not based on physical anatomy. The District understands that gender identity is a very personal matter that should be respected by all employees and supervisors.
- (b) "Assigned Gender" refers to the gender assigned to a child at birth based on physical anatomy.
- (c) "Intersex" is a general term used for a variety of conditions in which a person is born with sex characteristics that do not fit the typical definitions of male and female.
- (d) "Cisgender" is a term used to describe people whose gender identity corresponds with their assigned sex at birth.
- (e) "Transgender" describes people whose gender identity is different from their gender assigned at birth
- (f) "Transgender Man" is a term used to describe an individual who currently identifies as a man.
- (g) "Transgender Woman" is a term used to describe an individual who currently identifies as a woman.
- (h) "Gender nonconforming" describes people whose gender expression differs from stereotypical societal expectations related to gender.
- (i) "Gender expression" refers to the way a person expresses gender identity to others, such as clothing, hairstyles, activities, voice or body characteristics, behavior or mannerisms.
- (j) "Transition" is the time when a person begins to live as the gender with which they identify instead of the gender that they were assigned at birth. This may include changing one's name, dressing and grooming differently. Transitioning may also include such medical and legal aspects as taking hormones, having surgery or changing identity documents to reflect one's gender identity.

Restroom/Locker Room Accessibility: Individuals are allowed to choose to use the restrooms and locker rooms that correspond to the individual's full-time gender identity. Reasonable

accommodations which provide access to restrooms or locker rooms may be necessary to ensure the privacy, dignity, and respect of all individuals. Regardless of gender identity, any individual who has a need or desire for increased privacy should be provided access to an alternative restroom or changing area such as a single stall or staff bathroom. The objection of other individuals to a transgender or non-conforming gender individual using the same restroom or locker room facility shall not be the basis for denying the transgender or non-conforming gender individual use of that facility. Rather, the District may designate a different restroom or locker room facility for the objecting individual if available and reasonable.

Participation in Park District Programs: Individuals are encouraged to contact the Executive Director prior to registration or participation in District programs to ensure a smooth and respectful process or with any questions regarding participation or registration.

Registration in Programs or for Events: Individuals are encouraged to register for programs and events in the name by which they live. If the name or gender identity of a registrant is different than that which appears on their identification (driver's license, state ID or birth certificate) then the registrant may submit a notarized statement to the District notifying the District that the registrant identifies with a gender which does not conform with information on government issued documents of identification. In the case of a transgender minor, a parent or guardian may execute this notarized statement. Individuals will be registered in their chosen name although the Park District may keep a copy of that individual's identification which is different than their affirmed gender.

Participation and Registration in Gendered Programs or Events: Generally, individuals are entitled to participate in gender specific programs and events consistent with their gender identity. This may be reviewed by the Executive Director or designee on a case by case basis when a question of competitive advantage exists, or when sports organizations and associations in which the Park District participates have specific policies or concerns related to gender and competitive advantage. In those cases, additional information may be sought from the registrant (or parent or guardian if registrant is a minor) to fully evaluate the situation.

Names/Pronouns: Individuals are entitled to be addressed by a name and pronoun that corresponds to their affirmed gender. This name does not need to be the name consistent with an individual's government issued identification. Intentional or persistent refusal to respect an individual's gender identity through the use of names and pronouns not correlated with the affirmed gender is a violation of this policy and will not be tolerated.

District Responsibilities: The District remains supportive of all individuals to live consistent with their gender identity. The District enforces its non-discrimination policies uniformly. The District, its managers and supervisors are prepared to listen and be open-minded to transgender, non-conforming and transitioning issues of all individuals who enjoy Park District services. Conversations will be kept confidential from anyone who is not directly involved with the issues. Individuals are encouraged to contact the Executive Director with any questions or concerns about these issues.

Discrimination/Harassment: Complaints received regarding discrimination and/or harassment involving transgender or non conforming gender individuals will be handled in the same manner as any other discrimination or harassment complaints. Procedure details are described in the

District's Harassment Policy.

Example #2

Transgender Patron: This policy is designed to create a safe and inclusive environment in which community members, visitors and participants can be honest and open about who they are and feel comfortable using our facilities, participating in our programs and attending.

Park District Events: This policy acts as a guideline; each situation that occurs will need to be evaluated on a case-by-case basis. It is the District's policy to treat everyone with dignity and respect and to provide facilities, services, programs and events that are free of discrimination whether that discrimination is based upon race, color, religion, gender (including pregnancy, gender identity, gender expression, gender change, gender orientation, gender strength equality, gender stereotyping, or transgender status), national origin, disability, parental status, political affiliation, genetic information, marital status, membership in an organization, age, reprisal, or other unlawful factors. The Park District offers programs, services, facilities and events consistent with its obligation to maintain an environment that is free of discrimination, including discrimination that is based upon gender identity or perceived gender non-conformity. The following definitions are not provided to label individuals but rather to assist in understanding this policy and the obligations of District. These terms may or may not be used by transgender individuals to describe themselves.

- (a) "Gender identity" or "Affirmed Gender" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Gender identity is also defined as an individual's internal sense of being male or female or something else. It is not based on physical anatomy. The District understands that gender identity is a very personal matter that should be respected by all fellow employees and supervisors.
- (b) "Assigned Gender" refers to the gender assigned to a child at birth based on physical anatomy. • "Intersex" is a general term used for a variety of conditions in which a person is born with sex characteristics that do not fit the typical definitions of male and female.
- (c) "Cisgender" is a term used to describe people whose gender identity corresponds with their assigned sex at birth.
- (d) "Transgender" describes people whose gender identity is different from their gender assigned at birth.
- (e) "Transgender Man" is a term used to describe an individual who currently identifies as a man.
- (f) "Transgender Woman" is a term used to describe an individual who currently identifies as a woman.
- (g) "Gender nonconforming" describes people whose gender expression differs from stereotypical societal expectations related to gender.
- (h) "Gender expression" refers to the way a person expresses gender identity to others, such as clothing, hairstyles, activities, voice or body characteristics, behavior or mannerisms.
- (i) "Transition" is the time when a person begins to live as the gender with which they

identify instead of the gender that they were assigned at birth. This may include changing one's name, dressing and grooming differently. Transitioning may also include such medical and legal aspects as taking hormones, having surgery or changing identity documents to reflect one's gender identity.

Restroom/Locker Room Accessibility: Individuals are allowed to choose to use the restrooms and locker rooms that correspond to the individual's full-time gender identity. Reasonable accommodations which provide access to restrooms or locker rooms may be necessary to ensure the privacy, dignity, and respect of all individuals. Regardless of gender identity, any individual who has a need or desire for increased privacy should be provided access to an alternative restroom or changing area such as a single stall or staff bathroom. The objection of other individuals to a transgender or non-conforming gender individual using the same restroom or locker room facility shall not be the basis for denying the transgender or non-conforming gender individual use of that facility. Rather, the District may designate a different restroom or locker room facility for the objecting individual if available and reasonable.

Participation in Park District Programs: Transgender or non-conforming gender individuals are encouraged to contact the Executive Director prior to registration or participation in District programs to ensure a smooth and respectful process or with any questions regarding participation or registration.

Names/Pronouns: Individuals are entitled to be addressed by a name and pronoun that corresponds to their affirmed gender. This name does not need to be the name consistent with an individual's government issued identification. Intentional or persistent refusal to respect an individual's gender identity through the use of names and pronouns not correlated with the affirmed gender is a violation of this policy and will not be tolerated.

Discrimination/Harassment: Complaints received regarding discrimination and/or harassment involving transgender or non-conforming gender individuals will be handled in the same manner as any other discrimination or harassment complaints.

8. Participants with Infectious Diseases

Example #1

Participants with identified chronic infectious diseases must notify the District of such condition. Such participants may attend District programs whenever, through reasonable accommodation, their attendance does not constitute a direct threat to the health or safety of themselves or others. Decisions will be made in accordance with applicable law and in conjunction with current, available public health department guidelines concerning the particular disease in question. Individual cases will not be prejudged; rather, decisions will be made based upon the facts of the particular case. The determination of whether a participant with a chronic infectious disease may attend District programs shall be made in accordance with procedures implemented by the District. Participants with chronic infectious diseases shall maintain all rights, privileges and services provided by law and the policies and procedures of the District. The District shall respect the right to privacy of any participant who has a chronic infectious disease. Subject to

applicable law, the participant's medical condition shall be disclosed only to the extent necessary to avoid a health or safety threat to the participant and others. The number of personnel aware of the participant's condition will be kept at the minimum needed to assure proper care of the participant and to detect situations in which the potential for transmission of the disease may increase. Persons deemed to have "direct need to know" will be provided with the appropriate information and will be made aware of confidentiality requirements.

Example #2

It is the policy of the District to establish appropriate guidelines and procedures for the management of communicable diseases among patrons and staff of the Park District. The guidelines and procedures created will be in accordance with all applicable local, state and federal laws. Further, the policy will be to constantly train staff and provide timely updates based on changes in law or accepted practice, as well as customize procedures as needed in each department or program area of the District.

9. Abused and Neglected Child Reporting

The District will maintain a policy and procedure covering the requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/41, *et seq.*). Everyone must take child abuse and neglect seriously. Child abuse is the mistreatment of a child, which causes injury or puts the child at risk of physical injury. Abuse can be physical, sexual, or emotional. Neglect happens when parents or caregivers fail to provide adequate supervision, food, clothing, shelter, or other basics for a child. As the District serves a significant number of children in its programs and services, it is mandated to comply with the Abused and Neglected Child Reporting Act. The Act states that staff who have a reasonable cause to believe a child may have been abused or neglected shall immediately report or cause a report to be made to the Department of Children and Family Services. Under no circumstances shall any person in charge of any or all parts of the District exercise any control, restraint or modification or other change in the report or the forwarding of such report to the Department. Being an employee of the District involved in recreational programming, you are a Mandated Reporter. This means that you must make a report if you have reasonable cause to suspect abuse or neglect. Under the law, you have immunity from liability and your name cannot be given out unless ordered by a hearing officer or judge. However, as a Mandated Reporter, failure to report constitutes a class A misdemeanor.

D. General Policies Regarding Facilities

1. Surveillance Cameras

The District operates a video surveillance system to provide a safe and secure environment for its patrons and staff. Information obtained through video surveillance will be used exclusively to assist with the investigation of incidents, including theft, vandalism, personal injury or property

damage, and for security and law enforcement purposes, which must relate to the protection of the District patrons, staff and the public, or deterrence or detection of criminal activity. Video surveillance of the Park District premises will be conducted in a professional, ethical, and legal manner, in accordance with the following principles: a) video surveillance must be conducted in accordance with the laws of Illinois; b) video surveillance will be used by only District employees authorized by the Executive Director and Department Heads of the District; c) appropriate signs and notice of video surveillance must be posted in areas subject to video monitoring.

2. Facility Tours

The Board shall endeavor to tour the District's parks and other key facilities at least once each year as a group, to facilitate Board members' understanding of the needs and issues related to the District's facilities. The tour shall be conducted by knowledgeable members of the District's staff. Board members also are strongly encouraged to visit and review the facilities and programs of the District individually and as often as possible. Such visits should be made with due consideration for the integrity of any on-going program.

3. Park and Facility Design, Development, and Maintenance

Areas/facilities should not be developed until the resources are available for proper maintenance.

4. Service Animals

Example #1

Participants and authorized users may request to have a service animal accompany them in parks and facilities where they are authorized users as a reasonable accommodation. Persons with disabilities are invited to contact the Agency ADA Coordinator. Employees may request to have a service animal as a workplace accommodation. Please contact Human Resources Manager for information regarding this process. Visitors may be accompanied by a service animal when observing programs and activities, or enjoying Agency parks and facilities, without making a request for a reasonable modification. Persons with disabilities are invited to contact the ADA Coordinator.

- (a) Service Animal: A dog or a miniature horse that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the Agency on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items. Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability,

including dogs or miniature horses that are used purely for emotional support, are not considered service animals and are not allowed at Agency facilities and premises, unless otherwise specifically permitted, such as at a dog park or equestrian facility.

- (b) Partner/Handler: A person with a disability who uses a service animal as a reasonable accommodation, or a trainer.
- (c) Team: A partner/handler and a service animal. The two work as a cohesive team in accomplishing the tasks of daily living.
- (d) Trainee: A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

Temporary Exclusion of an Employee’s Service Animal:

- (a) In response to an immediate concern, the Agency may determine that a service animal must be temporarily removed from sites, parks, or facilities. The Director (or designee) shall notify the employee of this decision and that the incident will be reported immediately to the Agency’s ADA Coordinator. The Director (or designee) shall then report the incident to the Agency’s ADA Coordinator.
- (b) The ADA Coordinator will investigate all reported concerns and cases where service animals have been temporarily removed from sites, parks, and facilities. The ADA Coordinator will consult with appropriate staff and determine whether or not the animal should be excluded for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the Partner/Trainer, the service animal or other participants. The ADA Coordinator shall notify the employee of his or her decision. All decisions will be made on a case-by-case manner based on the particular prevailing circumstances.
- (c) If it is appropriate for the animal to be excluded from sites, parks, and facilities permanently, the ADA Coordinator will attempt to ensure the employee receives appropriate accommodations in place of the use of a service animal.
- (d) An employee who does not agree with the resolution may file an appeal or formal complaint following the Agency’s ADA Process.

Conflicting Disabilities: Individuals with medical issues (such as respiratory diseases) who are affected by animals should contact the ADA Coordinator if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation. The appropriate Agency staff will facilitate a process to resolve the conflict that considers the needs and conditions of all persons involved.

Clarifying an Animal’s Status: It may not be easy to discern whether or not an animal is a service animal by observing the animal’s harness, cape, or backpack, or the partner/handler’s disability. However, in other cases, an animal may only have a leash, and in still other situations, the partner/handler’s disability is not apparent. Therefore, it may be appropriate for designated Agency staff such as managers, supervisors, or administrative staff to ask (1) whether the animal is required because of a disability, and (2) what work or task the animal has been trained to perform.

Miscellaneous:

- (a) The Agency accepts no responsibility for care of service animals.
- (b) The Agency accepts no liability for injury to any service animal, or injury to the handler/partner, whether caused by the animal, its handler/partner, another visitor to an Agency facility or site, the physical conditions of the Agency facility or site, or any other circumstance.
 - i. The Agency accepts no liability for damage or injury to others caused by a service animal.
 - ii. The Agency accepts no liability for any injuries or property damage, to the service animal, its handler/partner, or others, resulting from the Agency's failure to enforce this policy or to supervise a service animal.
 - iii. The Agency reserves the right to change, modify, or amend this policy at any time.

Example #2

The District, through these policies, intends to address compliance with the Americans with Disabilities Act (the "ADA") and Section 504 of the Rehabilitation Act (Section 504). The following procedures implement this policy with regard to the use of service animals by persons with disabilities who are registered participants in District programs or authorized users of the District's Parks and Facilities and by visitors with disabilities in the District's Parks and Facilities. The purpose of these procedures is to ensure that participants and authorized users and visitors with disabilities who have service animals can participate in and benefit from the District services, programs, and activities and to ensure that the District does not discriminate on the basis of disability as identified in Titles I and II of the ADA. Questions and concerns about these policies can be directed to the District's ADA Coordinator or the Director. Visitors may be accompanied by a service animal when observing programs and activities or enjoying the District's Parks and Facilities without making a request for a reasonable modification. Persons with disabilities are invited to contact the District's ADA Coordinator or the Director for any questions about this policy.

Definitions:

- (a) Service Animal: Any dog that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the District on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, alerting an individual to the presence of allergens, pulling a wheelchair, or retrieving dropped items. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not considered service animals.
- (b) Partner/Handler: A person with a disability who uses a service animal as a reasonable modification or a trainer.
- (c) Team: A partner/handler and a service animal. The two (2) work as a cohesive team in

accomplishing the tasks of daily living.

- (d) Trainee: A dog being trained to become a service animal has the same rights as a fully-trained service animal when accompanied by a partner/handler and identified as such.

As a general rule, the District will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability. The District may impose some restrictions on service animals for safety or site sensitivity reasons. Restrictions are considered individually to determine if the animal poses a danger to others at District sites or could be in danger itself, and to determine if other reasonable modifications can be provided to assure that the individual enjoys access to the Park, Facility, or program. Questions about restrictions on service animals should be directed to the District's ADA Coordinator or Director.

Responsibilities of an individual with a service animal:

- (a) Responding truthfully to the limited and appropriate inquiries that may be made by employees regarding the service animal.
- (b) Ensuring that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal.
- (c) Requiring the service animal to wear a dog license tag at all times.
- (d) Ensuring that the animal is in a harness or on a leash or tether at all times. Exceptions may be considered individually.
- (e) Ensuring that the animal is under control and behaves properly at all times. The supervision of the animal is solely the responsibility of its partner/handler. If the animal's behavior becomes a hygiene problem or the animal acts in a threatening manner, the District may require that the partner/handler remove the service animal from the site.
- (f) Ensuring that all local ordinances or other laws regarding cleaning up after the animal defecates are strictly adhered to. Individuals with disabilities who physically cannot clean up after their own animals are not required to pick up and dispose of feces; however, these individuals should use marked service animal toileting areas where provided.
- (g) Keeping the service animal in good health. If the service animal becomes ill, the partner/handler must remove it from the area. If such action does not occur, the District staff may require it to leave.

Responsibilities of members of the District staff, participants and authorized users, and visitors in the District's Parks and recreation sites are responsible for the following:

- (a) Allowing service animals to accompany the partner/handler at all times and anywhere at a site except where animals are specifically prohibited.
- (b) Refraining from distracting a service animal in any way, including petting, feeding, or interacting with the animal without the partner/handler's invitation to do so.

The District may take action against any individual who fails to abide by these guidelines. The District may exclude a service animal from all parts of its property if a partner/handler fails to comply with these restrictions and, in failing to do so, fundamentally alters the nature of programs, services or activities offered by the District. The District may exclude a service animal from all parts of its property if a partner/handler fails to control the behavior of a service animal and it poses a threat to the health or safety of others. A participant or authorized user, employee, or visitor may report a concern regarding a service animal to District staff. Temporary Exclusion

of a Service Animal Used by a Participant or Visitor:

- (a) In response to an immediate concern, the District staff may determine that a service animal must be temporarily removed from Parks, sites, or Facilities. The employee authorized to make such decisions at that site, Park, or Facility will notify the participant or visitor of this decision and that the incident will be reported immediately to the District's ADA Coordinator.
- (b) The ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from sites, Parks, and Facilities. The ADA Coordinator (or designee) will consult with appropriate District personnel and determine whether or not the animal should be excluded from sites, Parks, and Facilities for an extended period of time, or permanently. The ADA Coordinator (or designee) will notify the participant, authorized user, or visitor of his or her decision.
- (c) If it is appropriate for the service animal to be excluded from sites, Parks, or Facilities permanently, the ADA Coordinator (or designee) will work with other District staff to ensure the participant, authorized user, or visitor receives appropriate reasonable modifications in place of the use of a service animal.
- (d) A participant, authorized user, or visitor who does not agree with the decision regarding removal from the premises may file an accessibility complaint. Contact the District to receive a copy of the District's ADA complaint process or go to the Districts Website.
- (e) It may be easy to discern whether or not an animal is a service animal by observing the animal's harness, cape, or backpack, or the partner/handler's disability. However, in other cases, an animal may only have a leash and, in still other situations, the partner/handler's disability is not apparent. Therefore, it may be appropriate for designated District staff such as Facility managers, coordinators, area supervisors, or administrative staff to ask (1) whether the animal is required because of a disability and (2) what work or task the animal has been trained to perform.

Emergency Responders (ERs) are trained to recognize service animals and to be aware that animals may try to communicate the need for help. Also, an animal may become disoriented from the smell of smoke in a fire or Facility emergency or from sirens, wind noise, or shaking and moving ground. A partner/handler, service animal, and team may be confused in any stressful situation. ERs will remember that an animal may be trying to be protective and, in its confusion, should not be considered harmful. ERs should make every effort to keep a service animal with its partner/handler; however, the ER's first effort should be toward the partner/handler, which may result in the animal being left behind in some emergency evacuation situations. Persons found in violation of this section are subject to the penalties as hereinafter provided.

5. Mobility Devices

Mobility Device Use:

- (a) "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of

auxiliary aids or services.

- (b) “Director” means the chief administrative officer of the Park & Recreation District, or his/her designee.
- (c) “Electronic personal assistance a Segway® PT, or a battery powered mobility device • mobility devices (EPAMs)” with substantially similar characteristics and functionality.
- (d) “Other Power-Driven Mobility Device” means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, but that is not a wheelchair within the meaning of this Policy.
- (e) “Qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.
- (f) “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.
 - i. The Agency shall permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
 - ii. Permitted users. Only individuals with mobility disabilities may use Other Power-Driven Mobility Devices in areas designated by the Director within Agency facilities or on Agency property.
 - iii. The Agency shall not ask an individual using a wheelchair or Other Power Driven Mobility Device questions about the nature and extent of the individual's disability.
 - iv. The Agency may ask a person using an Other Power-Driven Mobility Device to provide a credible assurance that the mobility device is required because of the person's disability. Credible assurance shall include: a valid, State-issued, disability parking placard or card, or other State-issued proof of disability; or a verbal representation, not contradicted by observable fact, that the Other Power-Driven Mobility Device is being used for a mobility disability. A “valid” disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance’s requirements for disability placards or cards.
- (g) Permitted Other Power-Driven Mobility Device. Only EPAMs are permitted to be operated in Agency facilities or on Agency property. No combustion engine-powered Other Power-Driven Mobility Devices are allowed to be operated in Agency facilities or on Agency property.
- (h) Variances. The Director may grant a qualified individual with a disability a variance to allow a combustion engine-powered Other Power-Driven Mobility Device only at an

outdoor facility owned and operated by the Agency upon a showing that (a) application of this restriction would cause an undue hardship on the applicant, and (b) emissions from the combustion engine-powered Other Power-Driven Mobility Device shall not have a deleterious impact on the health and safety other Agency patrons participating in or observing the relevant activity, service or program. Applications for a variance must be received by the Director at least 48 hours in advance of the relevant program, activity or service to which it shall apply, or the first in a series thereof.

General Safety Regulations: An Other Power-Driven Mobility Device: Is allowed in any area of a facility or park in which the general public is allowed, with the exception of stairways and identified hazardous areas;

- (a) Must be controlled by the person riding the device;
- (b) Must be operated in compliance with the following guidelines:
 - i. May not exceed 4 mph in an indoor facility or 6 mph at an outdoor park or facility;
 - ii. Shall be driven on the right side of the circulation route;
 - iii. The total combined height of the EPAMD and the operator may not exceed the height of the lowest immovable building element or park feature located in the area such device is to be operated;
 - iv. Is prohibited from carrying another person on the frame, or any object on the frame that may make the EPAMD less stable;
 - v. May not be driven into wet or ecologically sensitive areas which are posted as prohibited areas by the Agency; and
 - vi. May not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, Agency employees, or Agency participants.
- (c) Notwithstanding the general safety regulations described above, the Director shall have authority to direct a qualified individual with a disability on the safe operation of a permitted Other Power-Driven Mobility Device in light of the existing conditions at the facility where such individual seeks to operate the device and actual perceived risks related thereto, but not mere speculation, stereotypes, or generalizations about individuals with disabilities. In giving direction on the safe operation of a permitted Other Power-Driven Mobility Device, the Director may consider the then existing uses at the facility, the volume of pedestrian traffic, the prevailing environmental conditions, the density and placement of stationary devices and the individual's experience with the operation of such device.
- (d) This policy does not require the Agency to permit an individual to participate in or benefit from the services, programs, or activities of the Agency when that individual poses a direct threat to the health or safety of others. The Director has authority to prohibit an individual from participating in or benefiting from the services, programs, or activities of the Agency when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, the Director must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available

objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Personal Devices and Services: This Policy does not require the Agency to provide to individuals with disabilities personal devices, such as wheelchairs or permitted Other Power-Driven Mobility Devices.

Miscellaneous:

- (a) The Agency accepts no responsibility for storage of any mobility device.
- (b) The Agency accepts no liability for damage to any mobility device, or injury to the operator, whether caused by the operator, another visitor to an Agency facility or site, the physical conditions of the Agency facility or site, or any other circumstance.
- (c) The Agency accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
- (d) The Agency accepts no liability for any injuries or property damage, to either the operator or others, resulting from the Agency's failure to enforce this policy or to supervise the operator of an Other Power-Driven Mobility Device.
- (e) The Agency reserves the right to change, modify, or amend this policy at any time.

E. Volunteers

1. Use of Volunteers

Example #1

The Park District encourages the use of volunteers, where appropriate, to supplement and assist staff. Human Resources shall provide a general volunteer manual for use by various departments in orienting and managing volunteers. Departments may elaborate on these materials with other information specific to the volunteer's tasks. In all cases volunteers will undergo a criminal background check and other appropriate screenings, be provided with necessary equipment and training, and be recognized for their contributions to the District.

Example #2

The Board of Commissioners of the Park District recognizes the important role that volunteers play in the delivery of quality park district programs and services. These individuals make possible the scheduling of a greater variety and an increased number of activities, thereby enriching the programs and services of the Park District. They provide leadership and provide a

link with the community serving as public relation ambassadors for the park district. Volunteers contribute wide and varied points of view and skills to help meet community needs and provide immeasurable amounts of time, energy, and effort for the benefit of the programs and services the park district provides. Therefore, it is the policy of the Park District to recruit, train, supervise, and recognize volunteers on an on-going basis for the betterment of the park district community.

2. Volunteer Job Titles and Descriptions

Volunteer job descriptions are available and updated when appropriate. They are the basis for:

- (a) Developing the appropriate message and distribution of recruitment materials;
- (b) Setting criteria for selection and placement of volunteers;
- (c) Formulating necessary content and type of training;
- (d) Establishing standards for performance in supervising and evaluating volunteers including grounds for possible termination; and
- (e) Understanding the scope of work to be considered in recognizing and rewarding volunteer effort.

Some of the volunteer job titles and opportunities include: advisory committee member, administrative clerical support, swimming pool aides, special events and special projects.

3. Solicitation of Volunteers

Information on how to become a volunteer for the Park District may be found in the following areas: brochures, direct phone calls, Volunteer Application Forms, direct solicitation with area schools, religious organizations and clubs, District website, flyers, word of mouth, community service/court ordered volunteers, and inquiries from prospective volunteers. Staff may request volunteer help by completing a work order or Volunteer Request Form or by contacting the Marketing and Communications Department. When volunteers are being used for large events, appropriate Marketing and Communications Department staff, or the person running the event, will contact the volunteer to remind them of the date and time of the commitment. Volunteers must sign a waiver prior to performing any volunteer work.

4. Volunteer Background Checks

To provide a safe environment, the District conducts criminal background checks. A background check is required for prospective volunteers 18 years of age or older for any position as deemed necessary by the Executive Director. The results of the background checks are kept strictly confidential. The Executive Director and the Superintendent of HR are the only people who shall review or have access to the reports. See the Park District Employee Policy Manual for the District's policy on background checks for employees.

5. Training of Volunteers

Volunteers receive on-the-job training. Depending on the assignment, training can range from a short briefing to long-term, on-going learning in a special area of interest such as horticulture or computer skills. Training is conducted on a one-on-one basis for many volunteer jobs. However, some specific jobs require a group training session.

6. Volunteer Handbook

The Administration has compiled a Volunteer Handbook that is provided to volunteers who have volunteered a minimum of five (5) hours. Volunteers are asked to sign a Volunteer Acknowledgment Form upon receiving the manual.

7. Tracking of Volunteers

The District utilizes a software program to track volunteer hours and interests. Staff is required to track all volunteer hours and submit the volunteer names and hours to the Administration staff. The District utilizes the Association of Volunteer Administrators (AVA) dollar value of volunteer time to calculate the financial impact of volunteers.

F. Discipline, Penalties, and Appeals

1. Program Discipline Policies

Example #1

Behavior Management: The District is dedicated to providing safe and enjoyable programs, activities, facilities and work environment for all users in the community, staff and volunteers. The following Code of Conduct provides expectations and standards for all persons regarding appropriate behavior when involved in District programs or activities, when using District facilities or when providing such services are included as part of the policy:

- (a) Show respect to all participants, staff and volunteers.
- (b) Use appropriate language when communicating with participants, staff and volunteers. Foul and obscene language will not be tolerated.
- (c) Do not purposely cause bodily harm to participants, staff and volunteers.
- (d) Do not communicate threats, inappropriate comments or actions that may be considered as any type of harassment, direct threats or actions that pose a threat by gesture, words or actions.

- (e) Exhibit tolerance and courtesies and commonly accepted behavior towards our diverse community.
- (f) Display respect and do not damage equipment, supplies and facilities.
- (g) Exhibit good sportsmanship at athletic events, whether as an active participant or spectator.
- (h) The use, suspected use or consumption of alcohol and/or drugs on District property is prohibited. Alcohol may be approved for select events. If alcohol is approved for on or off property events, it is expected that all participants and spectators will exhibit good judgment and exercise moderation when alcohol is consumed.

The District reserves the right to dismiss without refund any participant or spectator who violates the behavior management policy. In addition, if it is believed that such actions pose a threat to the general safety or welfare of other participants, the individual or group may risk expulsion from District properties and/or facilities. This Behavior Management Policy is supplemental and in addition to the District Code, neither of which shall be interpreted to be mutually exclusive. In the event of a conflict between the Behavior Management Policy and the District Code, the more specific provision shall apply.

Example #2

Behavior Management Policy and Procedure

Equal Access: No eligible participant, member or guest shall, on the basis of race, sex, creed, national origin, or disability be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage or opportunity.

Behavior: Participants, members and guests are expected to exhibit appropriate behavior at all times. The following guidelines have been developed to help make park district programs safe and enjoyable for all. Additional guidelines may be developed for particular programs and athletic leagues as deemed necessary by park district personnel. It is expected that participants, members and guests shall:

- (a) Show respect to all other participants, members and guests, and accept direction from park district staff and contractual service providers.
- (b) Refrain from using abusive or foul language.
- (c) Refrain from causing disruption or threatening bodily harm to self, other participants, members, guests, contractual service providers or staff.
- (d) Show respect to equipment, supplies, and facilities.

Discipline: A positive approach will be used regarding discipline. Staff will periodically review guidelines and rules with participants, members and guests during the program session. If inappropriate behavior occurs, prompt resolution will be sought specific to each individual's situation. The park district reserves the right to dismiss a participant, member or guest whose behavior endangers the safety of themselves or others.

Accommodations: Upon registration or entry into a program, activity, or membership, accommodations identified on the registration form will be reviewed. Parents/guardians should

be consulted for any information regarding special accommodations required for youth participants, members and guests. If any of these special accommodations are behavior related, the parent/guardian should be contacted for information about any behavior modification programs in place at school or home. Attempts should be made to utilize these in the program/activity if feasible. Documentation should be maintained regarding any problem behaviors, special accommodations, and behavior modification programs.

Guidelines: In the event that participants, members or guests exhibit inappropriate actions, the following guidelines are recommended. Program leaders and district staff will determine the severity of the action and immediately take steps to correct it. These may include but are not limited to:

- (a) A corrective discussion or verbal warning.
- (b) A supervised timeout (10-15 minutes) from the program/activity. The type of timeout may vary according to the situation (observational: from sidelines of activity; exclusion: away from the group but within view of activity; seclusion: timeout area with staff member present away from view of activity).
- (c) A discussion with parents when involving youth participants, members or guests. If not already being utilized, a behavior modification program should be developed and implemented (those involved in development may include, but not be limited to, park district staff, special recreation staff, parent/guardian, school personnel, other support professionals). The behavior modification program should be monitored and reviewed as needed. Communication between staff (program leaders, supervisory and special recreation) and parent should be ongoing regarding any further incidences of inappropriate behavior. Documentation is recommended. Other related professionals (teacher, social worker, psychologist, etc.) may be consulted for input and suggestions.
- (d) If inappropriate behavior persists, further action may be required and removal from program, activity, or membership may be necessary. Other options may include but are not limited to:
 - (i) Transfer to another program/activity where inappropriate behavior may be less prone to occur.
 - (ii) Adjustment, reduction, or modification of timeframe that participant or member is allowed to attend the program/activity.
 - (iii) Suspension from program, activity or membership for a designated time period. When determining timeframes for suspension, staff will consider the severity of the actions, the length of the program or activity; any past behavior issues, and the willingness to cooperate.
 - (iv) Removal from program, activity or membership. If inappropriate behavior persists or the behavior is completely disruptive, removal from the program may be necessary. The district reserves the right to dismiss a participant, member or guest whose behavior endangers his or her own safety or the safety of others.

Procedures:

Any discipline guidelines implemented are to be documented in writing and provided to the full-time supervisor in charge of the program area. Staff are encouraged to involve parents readily and proactively in discussions concerning their child's conduct or behavior concerns. While every attempt should be made to resolve behavior/conduct concerns proactively, upon supervisory, management, or onsite police officer approval, a participant, member or guest's behavior may require immediate removal from the activity, program, and premises. Prior to resuming activities, supervisory or management staff will meet with the participant, member or guest to review and discuss conduct expectations going forward. A program participant, member or guest is subject to suspension (typically no longer than seven (7) days) from a facility or program for repeated violations or for involvement in a minor criminal offense such as creating or participation in a disturbance. The decision to suspend a participant, member or guest, will be recommended by the facility/site manager with approval by the department director. Suspensions may be longer than seven (7) days given the severity of the situation or in the case of repeated violations. Prior to resuming activities, management staff will meet with the participant, member or guest and parents (when involving a child/minor) to review and discuss conduct expectations going forward. Should the conduct involve a police matter, police staff will also be present at the meeting. A program participant, member or guest may be prohibited from entering a park District facility or program for involvement in a criminal act which is under investigation, pending court, or by the terms set forth in the Districts ordinances. A decision to prohibit an individual in accordance with these terms must be approved by the Chief of Police.

Appeals

Program participants, members and guests may present an appeal if not in agreement with behavior management actions taken. The participant, member or guest shall within three (3) days of the action taken, request to meet with the facility manager. Minors under the age of 18 will be required to attend the meeting with their parent or guardian. In most cases, the problem can and should be resolved with a frank and open discussion. The facility manager may amend the course of action as a result of the meeting with approval by the department director and Chief of Police (when involving a police matter). If warranted, the facility manager may gather additional information through discussions with staff or other involved individuals. The facility manager shall render a decision of the appeal within two (2) days after the appeal meeting is held. If satisfactory resolution is not reached, the participant, member, or guest may present the appeal to the department director within four (4) days of the meeting with the facility manager. The department director and Chief of Police (when involving a police matter) will investigate the matter and discuss the situation with the appropriate district employees and facility manager. The department director and Chief of Police (when involving a police matter) will meet with the participant, member or guest and parent/guardian (required for minors under the age of 18). Every attempt will be made to resolve the concern with a frank and open discussion. The course of action may be amended which may involve a written course of action for compliance of written and defined conditions that may require monitoring and follow up. Written meeting notes will be kept on all appeal meetings. The department director shall render a final decision of the

appeal within two (2) days after the appeal meeting is held.

When to Contact Police

- (a) In an emergency staff are directed to call 911.
- (b) In a closely supervised program and when the participant, member or guest is a child or young adult, and makes a direct threat of hurting themselves or others, the parent/guardian should be contacted immediately. The park police should be contacted if the parent/guardian is unavailable.
- (c) In the event that a participant, member, or guest's behavior is inappropriate and staff are uncomfortable confronting the individual or if the matter is of a nonemergency criminal nature, staff are advised to contact park police.

2. Penalties

A person who violates any section of the district's conduct ordinances may be penalized in one or more of the following ways:

- (a) Fined not less than \$50 and not more than \$1,000 for each offense and assessed court costs;
- (b) Required to make restitution for damage done;
- (c) Suspended, expelled, or banned from Park athletic programs for a defined time or permanently; and/or
- (d) Expelled or banned from any Park or Facility or from Parks and Facilities of the District for a defined time or permanently.

3. Appeal Process

A person who is suspended, expelled, or banned by the District will have the right to appeal the penalty as follows:

- (a) **Recreational Program:** A person who is suspended, expelled, or banned from a recreational program will have the right to appeal the penalty by sending to the Superintendent of Recreation a written request setting forth why the person believes the penalty should be rescinded. The appeal must be sent within ten (10) days from the date the person receives the penalty. The decision of the Superintendent of Recreation on the appeal will be the final decision.
- (b) **Park Facility:** A person who is expelled or banned from a Park Facility will have the right to appeal the issuance of a No Trespass Notice by sending to the Director a written request setting forth why the person believes the notice should be rescinded. The appeal must be sent within ten (10) days from the date the person receives the No Trespass Notice. The decision of the Director on the appeal will be the final decision.