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## **HISTORICAL SIGNIFICANCE**

### **1.1 HISTORY**

#### **Hoffman Estates Park District**

The Hoffman Estates Park District, a separate governmental unit created solely for the purpose of providing parks and leisure services for the residents of this community, was organized in 1964 under the provision of the Park District Code of the State of Illinois as amended May 17, 1965. Illinois is one of the few states in which park and recreation services are allowed to operate independently from other municipal services. Funds used to operate the district are derived primarily from property taxes and user fees.

In 1974, just ten years after being established, the district consisted of twenty-five different sites totaling 188 acres of land. To insure that developers contribute to the parks and leisure services in the community, formal Open Space Standards and Guidelines were adopted by the Hoffman Estates Park Board on June 7, 1977 and subsequently revised on April 4, 1978. The policy required that all developers donate land or cash to support parks and leisure services for the benefit of the residents in the community. These standards were again revised in 1985, 1991, and 1999. In 1993, the Village of Hoffman Estates formally adopted the District's Open Space Standards and Guidelines adopted in 1991.

Purchased in 1969 from Ida Vogeley, Vogeley Park held the first district-owned administrative and maintenance headquarters. In the 1970's the Vogeley Barn housed the district's preschool program as well as hundreds of recreation programs, including the plays put on by the Theatre Northwest performers. When the administrative offices were moved in 1986 to the new Blackhawk Community Center, the upper floor was turned into a teen center and the lower floor rented out to the National Recreation and Park Association. The "Barn" was subsequently turned over the district's parks division for their sole use. In 2003, the Vogeley Barn was renovated with the lower level being converted to a teen center and the upper level as a community room available for various programs and community uses. The Vogeley House was renovated as well while maintaining the historical integrity of the house that was originally built in 1916.

Highpoint Park, a 43-acre site, is one of the largest parcels of land owned by the park district and was accepted from Hoffman Rosner Corporation in 1967. In 2015 Highpoint Park was renamed Joseph L. Fabbrini Park after a founding Commissioner of the park district and its first volunteer Executive Director.

Willow Recreation Center, a community center built in 1981, contained racquetball courts and a health club; a gymnasium, whirlpool and sauna; as

well as preschool and various multi-purpose rooms. The Center was renovated and expanded in 2002 to include a mini-gym, teen room, and expanded fitness center. To allow for the renovation, two of the five racquetball courts were removed as well as the whirlpool and sauna to allow for the expanded fitness center.

In 1986, the Blackhawk Community Center, another outstanding facility of the district, was constructed at the intersection of Higgins Road and Huntington Blvd. The 36,000 square foot building included preschool, arts and crafts, dance and meetings rooms; a gymnasium, complete exercise facilities, indoor running track, sauna and whirlpool and tanning beds. In 2004, through a partnership agreement with the Chicago Wolves, the facility was renovated and expanded to include two NHL-size ice surfaces, 8 changing rooms/locker rooms, 3 party/community rooms, a dance studio, an expanded fitness center, concession stand and a full service pro shop. The administrative offices were expanded and relocated into the newly expanded portion of the building, with the old administrative offices converted into a senior center and arts and crafts area. The name of the facility was changed to Community Center & Ice Arena. On December 11, 2010, a dedication ceremony was held in honor of Commissioner Scott Triphahn, whereby the Community Center & Ice Arena was renamed the Scott R. Triphahn Community Center & Ice Arena (Triphahn Center).

The park district acquired the Poplar Creek Country Club, an 18-hole championship golf course, in December 1989 after it was slated for commercial development. By 1992 the district had completed the construction of an award-winning clubhouse which featured banquet facilities with seating for 300 guests, a restaurant and bar, pro shop, locker rooms, meeting room and administrative office. Also constructed was a Golf Learning Center complete with a 55 station lighted driving range with artificial and grass tees, 3 target greens, practice sand trap and putting green. In 1995, the restaurant was converted into a banquet/meeting room to allow more dedicated space for community functions and events. In 2001 the Golf Learning Center was renovated to allow for target greens as well as a pitching and sand trap practice area. In 2010, the golf course underwent an extensive Enhancement Project and was renamed Bridges of Poplar Creek Country Club.

Adjacent to Bridges of Poplar Creek Country Club is the new Seascapes Family Aquatic Center, which opened in June 1995. The 1,200-bather capacity, zero-depth edge pool boasts a water playground, diving board, lap lanes and tube, body flume and drop slides. The award-winning center also features sun turf areas, sand play area, sand volleyball courts, festival tent, concession area and bathhouse.

In September of 2000, the District opened the Prairie Stone Sports & Wellness Center located on property donated by Sears in Prairie Stone

Corporate Park just west of Route 59 and south of Higgins Road. This state-of-the-art facility is a full-service health and fitness club covering 100,000 sq. ft. with a 25-yard lap pool, zero dept activity pool, 3 indoor tennis courts, climbing wall and gymnasium with 3 basketball/volleyball courts.

As of December 31, 2004 the district maintained 62 sites throughout the community encompassing 702 acres of land. This included 28 baseball/softball fields, 35 playground areas, 15 basketball standards, 17 outdoor tennis courts, 13 retention lakes, 13 soccer fields, 3 football fields and an outdoor running track. A teen center was operated at Vogeley Barn in conjunction with the Village of Hoffman Estates and Schaumburg Township. An additional 20 acres of village owned land was maintained by the District.

The district sponsored over 300 different recreation and leisure programs on a year round basis. Flyers were distributed through the schools and the district published quarterly brochures listing program schedules that are distributed to all residents within the district boundaries. A quarterly newsletter *Park Perspectives* was mailed to residents to highlight current and upcoming events.

As of June 1, 2010, the district maintained 77 sites throughout the community encompassing 828.71 acres of land. This includes 27 baseball/softball fields, 40 playground areas, 17 basketball standards, 17 outdoor tennis courts, 17 ponds, 18 soccer fields, 3 football fields, 1 outdoor running track, 19 shelters, 3 splash pads, 9.98 miles of pathways and a cricket field. The Vogeley Teen Center continued to operate under a new partnership in conjunction with the Village of Hoffman Estates.

The district sponsored over 320 different recreation and leisure programs on a year round basis. Flyers were distributed through the schools' virtual backpacks online and the district published quarterly brochures listing program schedules that are distributed to all residents within the district boundaries. A bi-annual newsletter, *Park Perspectives*, was mailed to residents to highlight current and upcoming events. Both publications were also available online. Several social media outlets were utilized to promote programs, including Facebook, Twitter and email blasts.

## **1.2 NAME OF DISTRICT**

The official name and address of this Park District shall be:

**HOFFMAN ESTATES PARK DISTRICT  
1685 WEST HIGGINS ROAD  
HOFFMAN ESTATES, ILLINOIS 60169**

### 1.3 **STATUTORY AUTHORITY**

The Hoffman Estates Park District was formed on May 2, 1964 after an election held on that date approved the organization of the park district by a vote of 663 in favor and 154 against. The final order was entered in the record on May 22, 1964.

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 Chapter 105 of the Illinois Revised Statutes.

Many of the legislative changes in the basic code are prepared by the "Illinois Association of Park Districts", and this 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.

### 1.4 **NAMES AND LOCATIONS OF PARKS (both owned & leased)**

<b><u>NAME OF PARK</u></b>	<b><u>ACRES</u></b>	<b><u>LOCATION</u></b>
1. Neil Armstrong	1.7	1320 Kingsdale
2. Beacon Point Park	4.69	Essex & Beacon Point Dr
3. Beacon Point Wetlands Park	16.2	Chatham Drive
4. Birch Park	4.0	1045 Ash Road
5. Black Bear Park	14.7	1500 Essex Drive
6. Bode-Salem Playground*	.15	Bode and Salem Drives
7. Brittany Park	5.0	1245 W. New Britton Drive
8. Cannon Crossings	26.3	1675 Nickelson Drive
9. Canterbury Park Place	16.5	6150 Russell Drive
10. Canterbury Fields Park**	15.0	1950 Maureen Drive
11. Charlemagne Park	20.0	3799 Bordeaux Drive

12. Chestnut Park	10.5	935 N. Dovington Drive
13. Chino*	2.0	Flagstaff & Evanston Streets
14. Cipri Park	4.9	Harbor Circle
15. Colony Park	3.5	5097 Kingston Drive
16. Colony Point Nature Area	2.1	5101 Chambers Drive
17. Community Park	3.0	925 Grand Canyon Parkway
18. Cottonwood Park	13.0	2029 Parkview Circle East
19. Douglas Park	3.1	3694 Whispering Trails Drive
20. Eisenhower Park	9.0	864 Rosedale Lane
21. Essex Park	.49	Essex Drive
22. Evergreen Park	13.0	600 Washington Boulevard
23. Fairview Park	3.5	341 Arizona Boulevard
24. Field Park	.5	410 Durham Lane
25. Golf Road Nature Area (Basin)	1.75	Golf Road
26. Golf Road Preserve	20	Golf Road
27. High Point Park	43.0	1704 Glenlake Road
28. Highland Park	10.0	1755 Highland Boulevard
29. Hoffman Park	1.75	290 Glendale Lane
30. Hunters Ridge Park	32.5	1305 Hunters Ridge East
31. Hunters Ridge Basin	1.0	5694 Red Oak Drive
32. Huntington Park	8.4	4009 Huntington Boulevard
33. Kingston Park	6.0	5094 Kingston Drive
34. Lincoln Park	4.8	1993 Dogwood Drive
35. Locust Park	6.0	345 Frederick Lane
36. Lombardy Park	1.0	1535 Westbury Drive
37. Maple Park	3.0	105 Illinois Boulevard
38. Meadow Park	3.0	3830 Whispering Trails Drive
39. North Greenway Park	3.5	1075 Westbury Drive
40. North Ridge Lake Park	5.0	1370 W. Sturbridge Drive
41. North Twin Park	12.0	950 Hassell Road
42. Oak Park (Cemetery)	8.5	1700 Abbeywood Lane
43. Olmstead Park	7.5	4500 Olmstead Drive
44. Pebble Park	3.5	1855 Westbury Drive
45. Pine Park	9.0	750 Charleston Lane
46. Poplar Park	3.5	1901 Hassell Road
47. Princeton Park	2.1	5400 McDonough Road
48. Princeton Wetlands	3.7	Ivy Ridge Drive
49. Rohrssen Park	6.25	Rohrssen Road
50. Seminole Nature Area	13	3914 Whispering Trails
51. Sheffield Park*	1	Walnut
52. Shoe Factory Basin	2.06	Shoe Factory Road
53. Sloan Park	4.5	760 Western Street
54. South Ridge Lake Park	31.6	1450 Freeman Road
55. South Twin Park	11.0	985 Hassell Road
56. Sundance Park	1.0	4485 Sundance Circle
57. Sycamore Park (Hillcrest)	8.5	450 Hillcrest Boulevard
58. Tall Oaks Park	10.6	5670 Angouleme Lane

59. Thornbark Park	1.0	4475 Thornbark Drive
60. Triangle Property	3.45	Essex and Shoe Factory Road
61. Tropicana Park	.88	680 Audubon Street
62. Valley Park	4.0	850 Park Lane
63. Victoria Park	52.5	1100 Kingsdale Road
64. Vogelei Park	10.0	650 Higgins Road
65. Walnut Pond Park	12.0	McDonough Road
66. Westbury Greenway	3.5	4501 Olmstead Drive
67. Westbury Lake	17.0	1075 Westbury Drive
68. Whispering Park	6.0	3957 Whispering Trails Drive
69. Willow Park	25.0	905 Norman Drive
70. Wilmington Park	4.0	1072 Wilmington Lane
71. Winding Trails Detention	3.3	1193 Mallard Street

Total Acres      828.71

\*Leased

\*\*5 of 15 acres is leased

## **1.5 COMMISSIONERS OF THE HOFFMAN ESTATES PARK DISTRICT**

Lyle Button	1964-1971
Bernard Bartosch	1964-1971
Joseph Fabbrini	1964-1967
Charles Meyers	1964-1968
Betty Fink	1964-1966
Robert Schuhr	1966-1970
Edwin Frank	1967-1969
Bradley M'Conigle	1968-1969
George Seaver, Jr.	1969-1975
Fred Weaver, Jr.	1969-1975
William Pichler	1971-1971
Thomas Barber	1971-1977
Claude Crase	1971-1973
Don Wade	1971-1971
John W. Meyer	1971-1972
George Rush	1973-1978
Shirley Gibbons	1974-1976
Anthony Stompanato	1975-1976
Thomas McGuire	1975-1979
William Holmes, Jr.	1976-1977
Nancy Wroblewski	1977-1984
Henry Bollman	1977-1979
Diane Foley Caradonna	1977-1982, 1989-1995
Charles Loveisky	1977-1981, 1984-1985
Gerald Lavey	1977-1981, 1985-1986
Michael Beers	1978-1995
Wayne Wozniak	1979-1984
David Schechtman	1979-1989

Steve Sherwood	1981-1985
Charles Lehr	1981-1997
Robert Steinberg	1982-1991
Randy Olson	1984-1984
James Saflarski	1984-1988
Gene Killian	1985-1989
Thomas Street	1985-1989
Stephen L. Johnson	1988-1997
Peter Smith	1989-1994
David L. G. Jacobs	1989-1991, 1995-1999
Steve Ostermann	1991-1995
Steven Megel	1993-1997
Gary Smith	1994-1995
Patricia Wilson	1995-1997
Robert Shor	1995-2003
Tim Satkowski	1995-2007
Charles Boxenbaum	1997-2001
Loretta Guiney	1997-2013
Scott Triphahn	1997-2010
Cary Collins	1997-2003
Wendell Howell	1999-2007
Craig Bernacki	2001-2011
Cory Rathman	2003-2007
Kaz Mohan	2003-
Keith Evans	2007-
Ronald Greenberg	2007-
Elizabeth "Lili" McGovern	2007-
Michael Bickham	2011-
Ron Evans	2011-
Patrick McGinn	2013-
Patrick Kinnane	2015-
Robert Kaplan	2015-

**Section 1 Board Approved June 2010**



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## **2.0 MISSION AND VALUES**

### **2.1 MISSION STATEMENT**

The mission of the Hoffman Estates Park District is to offer healthy and enjoyable experiences to residents and guests by providing first class parks, facilities, programs and services in an environmentally and fiscally responsible manner.

### **2.2 VALUES**

#### **Innovation**

We believe that creativity and innovation are at the heart of a leading organization and encourage new ideas and concepts. We embrace change and constantly strive to provide healthy and enjoyable experiences for our residents and guests.

#### **Integrity**

We place a high value on honesty, integrity and fairness in all actions, decisions and encounters. We promote honest and open communications, internally and externally, and place a high value on earning people's trust.

#### **Cooperation**

We recognize that through teamwork and cooperation, our organization achieves success. We are dedicated to a cooperative effort and value resident and guest input within our organization.

#### **Accountability**

We are committed to safeguarding our resources and using them in an environmentally and fiscally responsible manner. We are accountable for our actions to the community, our residents, guests and ourselves.

#### **Respect**

We have an awareness and appreciation of diverse interests and concerns, and address those needs with respect and consideration. We provide social equity to ensure all people have access to parks and recreation experiences.

#### **Excellence**

As a leader in our industry, we are committed to providing first class parks, facilities, programs and services that provide healthy and enjoyable experiences to our residents and guests. We strive to hire, train, empower

and retain employees capable of providing quality leadership and ensuring customer satisfaction.

Revised 3/25/08

**Section 2 Board Approved June 2010**  
**Section 2 Board Approved March 2014**

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### **3.0 DESIGNATION, APPLICATION AND LEGAL STATUS**

#### **3.1 DESIGNATION**

This manual shall be known as "The Policy Manual of the Hoffman Estates Park District, Cook County, Illinois." And the same may be so cited and referred to for purposes of identification. Chapter 11 (Personnel Policies) of this manual shall be known as the full-time personnel policy manual of the district.

#### **3.2 SCOPE**

This manual shall apply to and be enforced in all of the territory originally embraced in, heretofore added to, and which may hereafter be embraced in the boundaries of said District, and in all parks, greenways, boulevards, public places, and other facilities now under or hereafter coming under the control of the District, whether within or outside the boundaries of said District.

#### **3.3 DECLARATION OF CONTROLS**

The premises heretofore laid out and identified under Section 1.4 and public places as may hereafter be acquired, leased, laid out, or appropriated by the appropriate corporate motion of the District are hereby declared to be in the possession and control of the District for park purposes.

Whenever in this manual the parks, greenways, boulevards or public places of the District are referred to, such words shall be held to refer to include all such areas, including buildings and other structures in the possession and control of the District.

#### **3.4 PROVISION FOR CHANGES IN POLICY**

Any of these policies may be changed or additions made thereto by a majority vote of the Board at any regular or specially called meeting that the Board requires.

#### **3.5 LEGAL STATUS OF THE PARK BOARD**

The State Constitution, Statutes, Attorney General's ruling and court decisions on matters relating to public parks, park boards and park districts constitute the foundation of the legal status of the park board.

Park boards are constitution state agents created by the legislature for the purpose of affecting, within the respective park district, the State laws pertaining to public parks and recreation activities.

Park boards are empowered to make contracts, employ persons, sue or be sued, make rules and regulations governing their own procedures and those of parks under their jurisdiction and purchase and hold title to property in the name of the park district as well as sell and give title to property

Park districts, like cities, counties and other units of local government, have no inherent or original governing powers. Park districts can neither add to nor subtract from their responsibilities, powers, and limitations as defined by State law.

Park districts are not subject to the authority of any governing unit other than the State, except in such special areas as the legislature may determine, including, for example, the Village's zoning authority.

Members of the park board are elected by the citizens of the local park district to represent and act for the State in performing the legal function of providing their district with the kind of park and recreational programs and facilities required or permitted by State law.

Park districts are corporate bodies, or "artificial persons," and may act officially only on duly authorized and legally held meetings of the Board of Park Commissioners.

### **Section 3 Board Approved June 2010**

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## **4.0      ORGANIZATION**

### **4.1      PARK BOARD OF COMMISSIONERS**

#### **4.1.01    AUTHORITY**

The management and control of all officers of the Hoffman Estates Park District and all parks and all other property maintained by such park district and committed to its control and supervision, shall be vested in the Board of Commissioners of the Hoffman Estates Park District as created and established by an Act of the General Assembly of the State of Illinois entitled: "An act to provide for the organization of Park Districts and the transfer of submerged lands to those bordering on navigable bodies of water", approved June 24, 1895, as amended.

#### **4.1.02    PRIMARY FUNCTIONS OF THE BOARD**

The primary function of the Board is to approve the basic policy for the operation, improvement and planning of the park and recreation facilities and activities within the park district. Specifically included in the above are the following:

- 4.1.02.01**    Interprets the needs of the community.
- 4.1.02.02**    Develops policies in accordance with park and recreational needs of the people.
- 4.1.02.03**    Approves means by which these policies may become effective.
- 4.1.02.04**    Selects and evaluates the chief administrator.
- 4.1.02.05**    Approves a budget to provide parks, facilities and recreational services and levying taxes within statutory limits to provide funding.
- 4.1.02.06**    Approves monthly warrant lists and financial reports.
- 4.1.02.07**    Informs the public of the purpose, worth and extent of the district's services, parks and facilities.
- 4.1.02.08**    Approves policies governing employment policies of all full-time, part-time and seasonal employees.
- 4.1.02.09**    Establishes all rules and regulations in reference to the use of parks and facilities within its jurisdiction.
- 4.1.02.10**    Approves full-time salary ranges, and annual district wide salary increases and benefits.
- 4.1.02.11**    Approves long term agency goals and objectives, and long range comprehensive master plan.
- 4.1.02.12**    Approves ordinances and resolutions.
- 4.1.02.13**    Approves contracts and expenditures to individual vendors which exceed \$20,000.
- 4.1.02.14**    Approves park and facility major development/renovation plans.

#### **4.1.03     CONTINUING EDUCATION OF COMMISSIONERS**

The Park Board of Commissioners recognizes that continuing education results in improved public service, greater cost effectiveness in park and facility maintenance and more efficient delivery of leisure services. In order to foster ongoing improvement, the Park Board of Commissioners are encouraged to attend continuing education programs provided by the Illinois Park and Recreation Association, Illinois Association of Park Districts, National Recreation Association and other qualified educational institutions.

#### **4.1.04     BONDS**

Before entering upon their respective duties, all officers and employees may be required to be bonded in such penal sum, and with such conditions and security as *may* be determined by the Board.

#### **4.1.05     FISCAL YEAR**

The fiscal year of the Hoffman Estates Park District shall begin on the first (1<sup>st</sup>) day of January and end on the thirty-first (31<sup>st</sup>) day of December of the same calendar year.

#### **4.1.06     ANNUAL MEETING**

The annual meeting of the Board shall be held on the **third** Tuesday in May on non-election years for the purpose of electing and/or appointing board and community representatives to various boards, association and committees as outlined below and the first Tuesday following the County Clerk's Office last day to conduct the canvass to administer the oath of office and for the purpose of electing an/or appointing board and community representatives to various boards, association and committees as outlined below.

- A. The Board Secretary administers oath of office to newly elected commissioners (odd years only).
- B. The Board as a whole elects president and vice-president for the coming year.
- C. The president with the consent of the Board appoints the Treasurer, Assistant Treasurer, Secretary and Assistant Secretary.
- D. The president with the consent of the Board appoints the park district legal counsel.
- E. The president, with the consent of the Board, appoints committee chairpersons.
- F. The president, with the consent of the Board, appoints commissioners and community representatives to various boards, associations and committees as required.

Board Approved January 23, 2007  
Board Approved December 20, 2011

#### **4.01.07 REGULAR MEETINGS AND CONTINUED (ADJOURNED) MEETINGS**

Unless otherwise determined at a regular meeting of the Board of Commissioners by an Ordinance fixing the time, the regular meeting of the Board of Commissioners shall be held the fourth Tuesday of each month at 7:00 p.m., provided, however, that if the foregoing direction of this section would require a meeting to be held on a day which, under any statute of the State of Illinois, is a legal holiday, then in each such case, the regular meeting shall be held the day following such legal holiday.

A regular or special meeting may be adjourned or continued to a later date if it is not beyond the date of the next regular Board meeting provided the Board may consider any transaction at the adjourned meeting that it might have considered at the original meeting so adjourned.

Board Approved – April 18, 2006  
Board Approved – March 22, 2011

#### **4.1.08 SPECIAL MEETINGS**

The president shall call special meetings whenever he deems it necessary or at the request of two or more of the Board members and shall cause a notice to be sent to all members of the Board not less than three (3) days prior to the scheduled date of said special meeting. Notice may also be given by telephone or electronically in case of emergency. Any commissioner may give notice of any special meeting in writing or in person at any meeting of the Board.

#### **4.1.09 PLACE OF MEETING**

The meetings of the commissioners shall be held at the Triphahn Center, located at 1685 W. Higgins Road, Hoffman Estates, Illinois. Meetings may be held in any other place within the Hoffman Estates Park District at the discretion of the Board.

#### **4.1.10 PUBLIC NOTICE**

All regular, annual, special and committee meetings of the Board shall be held in public according to State statutes, with notices provided to news media upon request. Public notice of the schedule of regular meetings shall be given at the beginning of each calendar or fiscal year and shall state the regular dates, times and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body, on the Park District web site ([www.heparks.org](http://www.heparks.org)) and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of

any special meeting, except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special rescheduled, or reconvened meeting, but the validity of any action take by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and: (1) it is to be reconvened within 24 hours; or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice.

#### **4.1.11 QUORUM**

A majority of the duly elected or appointed and qualified commissioners shall constitute a quorum of the transaction of business provided, however, that if no quorum is present, the commissioners attending may adjourn the meeting from time to time until a quorum is obtained. Four (4) members shall constitute a quorum. Physical presence is required.

#### **4.1.12 ORDER OF BUSINESS**

The order of business at regular and special meetings may consist of any or all of the following:

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Approval of Agenda
4. Recognition/Presentation
5. Approval of Minutes
6. Comments from the Audience
7. Consent Agenda
8. President's Report
9. Attorney's Report
10. Adoption of Executive Director's Report
11. Acceptance of Committee Reports
12. Approval of Detail Board Reports
13. Old Business
14. New Business
15. Commissioner Comments
16. Executive Session
17. Adjournment

Only items requiring the attention of the Board at a designated meeting shall actually appear on the agenda.

#### **4.1.13 AGENDA**

The Executive Director, with suggestion from the Board President and Board members, shall be charged with responsibility for the preparation of the agenda and the subject matter thereof. Any Board member may request that a particular item of business be placed on the agenda either before or at a Board meeting, however, items of business added to the agenda which were not advertised at least 48 hours prior to the meeting may be discussed, but no action shall be taken. The agenda is available no later than Friday preceding the regular meeting.

#### **4.1.14 CONSENT AGENDA**

The consent agenda will appear as a designated portion of the regular board agenda. All items placed on the consent agenda and not asked by a Board member to be removed will be approved with a motion, a second and a roll call vote. There is no discussion on items that are on the final consent agenda. Ordinances and Resolutions will not be included on consent agenda but placed on the agenda under New Business or Old Business.

Before the motion to approve the consent agenda is made, any Board member can request an item be removed from the consent agenda and placed under new or old business. This will enable discussion to take place on the item and a vote will be taken under a separate motion if necessary.

The regular order of business may be suspended or modified, as the president shall direct.

#### **4.1.15 PETITIONS SUBMITTED BY RESIDENTS**

All petitions concerning the park district's areas of responsibility 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.

#### **4.1.16 PUBLIC PARTICIPATION AT BOARD MEETINGS**

The agenda item "Comments from the Audience" is included on all meeting agendas for both Board and Committee meetings to provide an opportunity for audience members to address the Board or Committee. Each audience

member should be provided an opportunity to address the Board or Committee regarding items not included under old business and/or new business agenda. Once all audience members have had an opportunity to address the Board or Committee, the President or Committee Chair should close the floor for comments from the audience.

Under each old business and new business agenda item, audience members shall be provided the opportunity to provide comments to the Board or Committee regarding the specific agenda item. Once all audience members have had an opportunity to address the Board, the President or Committee Chair should close the floor for comments from the audience.

All discussions after the floor has been closed for public participation should be between Board or Committee members and with staff as requested. Audience members should not be recognized after that time in order that Board or Committee members may deliberate without additional comments or discussion with audience members.

The Board has set a five-minute time limit per audience per item to be increased at the discretion of the President or Committee Chair if meaningful information is presented. Additional rounds of discussion from audience members should be left to the discretion of the president or Committee Chair. However, the justification for permitting a second opportunity for audience members to address the Board or Committee should be based on the premise that new information will be presented to the Board or Committee.

4.1.16 approved 4/2014

#### **4.1.17 MANNER OF VOTING**

The president shall be empowered to call for questions pertaining to any and all properly presented and seconded motions. A voice vote may be used if deemed appropriate by the president. On all matters that require an ordinance, resolution, proposition creating any liability or calling for the expenditure or appropriation of money, and in all cases at the request of any Commissioner, a roll call vote shall be taken.

All roll call votes shall be recorded in the official minutes of the meeting. The act of a majority of Commissioners present at a meeting for which there is a quorum shall be the act of the Board. The president is a member of the Board and has the right to vote upon all questions.

#### **4.1.18 RULES OF ORDER**

Robert's Rules of Order shall govern questions of procedure in all cases not herein provided.

#### **4.1.19 MOTIONS, RESOLUTIONS, ORDINANCES AND RECORDS**

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."

#### **4.1.20 CORPORATE SEAL**

The Corporate Seal of the Hoffman Estates Park District shall contain the words "Hoffman Estates Park District, Hoffman Estates, Illinois."

#### **4.1.21 OFFICIAL MINUTES**

All final action taken by the Board of Commissioners shall be taken in open meeting and recorded by the secretary. The secretary is charged with keeping an accurate and true record of all motions, resolutions and ordinances, as well as a summary of the discussion on any matter proposed, deliberated or decided and of any votes taken in an official minute book. All minutes will be considered "unofficial" until adopted by the Board at a subsequent meeting.

The official minute book of the Hoffman Estates Park District shall be open for public inspection by interested individuals during regular office hours, but it must not leave the park district office. Upon request, the secretary will

provide copies of minutes or attachments thereto and may charge nominal fees in accordance with State law and Board policy.

The secretary shall be responsible for the taking and preparation of minutes of each meeting. Executive session minutes will be kept in a separate book and not made part of the official minute book of the district.

The Park Board of Commissioners shall meet at least twice each year to review the minutes of all prior executive sessions. This review may take place in executive session; the Board must determine whether the need for confidentiality still exists with regard to all or part of the minutes, or whether all or part of the minutes no longer require confidential treatment and therefore should be made available for public inspection.

#### **4.1.22 REMOVAL OF NON-ELECTED OFFICERS OR EMPLOYEES**

Any non-elected officer or employee appointed or employed by the Hoffman Estates Park District may be removed by the Board whenever, in its judgment, it would be in the best interest of the district. Should said individual be an employee, the written sections of the Hoffman Estates Park District Personnel Policies shall govern.

#### **4.1.23 OATH OF OFFICE**

All elected and appointed Board members, before entering upon the duties of office, shall take and subscribe to an oath to discharge faithfully and competently the duties of said office.

#### **4.1.24 PROSPECTIVE CANDIDATE ORIENTATION**

An orientation shall be held for all prospective candidates for Park Board of Commissioner who legally file nominating papers as required by the Illinois State Board of Elections. The prospective candidate orientation meeting shall be held not later than 30 days following the nomination-filing deadline. The orientation shall include a written or electronic informational packet for each candidate.

### **4.2 CHAPTER 2 – OFFICERS AND EMPLOYEES**

#### **4.2.01 OFFICERS**

The officers shall be the president and vice-president and shall be elected from the duly elected or appointed commissioners of the Hoffman Estates Park District. Additional officers shall be the secretary, assistant secretary, treasurer and assistant treasurer. These additional officers may or may not be elected members of the Hoffman Estates Park District.



The Board of Commissioners, shall appoint the Executive Director, as well as the attorney, neither of whom shall be a member of the Board.

Board approved 7/24/2012

#### **4.2.02 ELECTION AND APPOINTMENT OF OFFICERS**

All officers of the Board shall be elected, and additional officers of the Hoffman Estates Park District shall be appointed by the commissioners at the annual meeting hereinafter set forth, and at such other times as a vacancy occurs. Vacancies may be filled at any regular or special meeting of the Board. Each of said officers shall hold office until the next annual meeting and until his/her successor shall be chosen. In case of temporary absence or inability of any officer to carry out the responsibilities of his/her position, the Board may fill the office *pro tempore*.

#### **4.2.03 PRESIDENT**

The president shall preside at all meetings when present, sign all contracts and other papers authorized by the Board, ensure that all ordinances of the Board are enforced, and all orders of the Board are faithfully executed, and shall exercise general supervision over all officers and employees and over the business and property of the district, all subject, however, to the direction and approval of the Board.

#### **4.2.04 VICE-PRESIDENT**

The vice-president shall be vested with the power to perform the duties of the president in the absence of the president or in the event of his/her refusal or inability to act.

#### **4.2.05 SECRETARY**

The secretary shall keep the corporate seal and all books and records pertaining to his/her office, shall attest and affix the corporate seal to all instruments requiring such action when authorized by ordinance or vote of the Board, and shall cause all ordinances, resolutions, and other actions of the Board requiring publication to be duly published. The secretary shall give notice of and attend all meetings of the Board and keep a full and true record of its proceedings, including all ordinances passed.

#### **4.2.06 ASSISTANT SECRETARY**

The assistant secretary shall be vested with the power to perform the duties of the secretary in the absence of the secretary or in the event of his/her refusal or inability to act.

#### **4.2.07     TREASURER**

The treasurer shall be responsible for the receipt and safe keeping of all moneys belonging to the district in a bank or banks approved and designated by the Board, in the name of the district and shall disburse the same only upon the authority of the Board. He/she shall make monthly reports to the Board of all receipts and disbursements. Acting under the supervision of the Board of Commissioners, he/she shall have charge of the district accounting system and of the books of account. He/she shall furnish to any commissioner or officer information as to any matter relating to this office, including copies of records and receipts and disbursements, statements of account, audits and other records of the district under his/her control or supervision, as may be so requested by such commissioner or officer. Before entering upon his/her duties as treasurer, he/she shall be provided by the district a Fidelity Bond in the sum of One Million Dollars (\$1,000,000.00). The amount of such bond may be increased or diminished from time to time by resolution of the Board.

#### **4.2.08     ASSISTANT TREASURER**

The assistant treasurer shall be vested with the power to perform the duties of the treasurer in the absence of the treasurer or in the event of his/her refusal or inability to act.

Board approved 7/24/2012

#### **4.2.09     EXECUTIVE DIRECTOR**

The Executive Director (hereinafter referred to as Director) is responsible to the Hoffman Estates Park District Board of Commissioners. The primary function of the Director shall be to administer for the Board on matters pertaining to all functions for which the district is responsible. He/she shall be the executive officer of all divisions of the district in regard to park maintenance, recreational programming, personnel management, facility development, land acquisition, and business management. He/she shall be the official medium of communication between the employees of the district and the Board of Commissioners. He/she shall have charge of the employment of such employees as are required to operate the district and its facilities, as he/she approves in the organizational structure, including all job descriptions and part time employee salary ranges, subject to employment policies and salary schedules as established by the Board and embodied in the Personnel Policies of the Hoffman Estates Park District.

4.2.08 Board Approved 9/21/10

#### **4.2.10 ATTORNEY**

General Legal Counsel to the park district shall hereinafter be referred to as Attorney. Attorney shall have charge of all legal matters and of the prosecuting and defense of all litigation in which the district is interested. Attorney shall review and approve ordinances, resolutions and other instruments as required by the Board and shall give opinions on all questions referred to Attorney by the Board, officer or Executive Director under the direction of the Board. The Board may appoint a special Attorney as deemed necessary.

#### **4.2.11 ADDITIONAL DUTIES OF OFFICERS**

In addition to the duties heretofore specified, each officer shall perform such other duties as may be required of him/her by law or direction of the Board.

#### **4.2.12 VACANCIES DECLARED**

Whenever any member of the Board of Commissioners dies, resigns, becomes under legal disability, ceases to be a legal voter in the Hoffman Estates Park District, is convicted of any infamous crime, refuses or neglects to take the oath of office after becoming elected to the Board of Commissioners of the Hoffman Estates Park District, or neglects to attend the duties of his/her office, said office may be declared vacant by the Board and may be filled by appointment by a majority of the remaining Board members. In addition, the Board of Commissioners has set a standard whereby whenever any member of the Board of Commissioners neglects to attend regular and special meetings of the Board for a period of three (3) consecutive calendar months, or neglects to attend a minimum of seven (7) regular and special meetings in any 12-month period, said office may be declared vacant by the Board.

#### **4.2.13 COMPENSATION OF OFFICERS AND EMPLOYEES**

The officers (with the exception of commissioners serving in such offices) and all employees shall receive such compensation for their services as the Board shall from time to time determine. The district is committed to paying fair and competitive wages and will comply with all state and federal laws regarding payment of wages.

#### **4.2.14 DIRECTOR AUTHORITY / BOARD RELATIONSHIP**

The Executive Director shall have the authority and responsibility to carry out the policies established by the Board and to establish administrative procedures deemed necessary to direct the daily operations of the district within the general policies and regulations set forth by the Board. The

Executive Director shall have authority and responsibility to establish administrative procedures of the district relating to:

- 4.2.14.01** Hiring, supervision, evaluation and termination, if required, of all full-time positions as approved by the Board.
- 4.2.14.02** Hiring, supervision, evaluation and termination, if required, of all permanent part-time and part-time ~~or seasonal~~ personnel as deemed necessary to assist in the daily operations of the district.
- 4.2.14.03** Approval of all job descriptions and salary ranges for part-time positions.
- 4.2.14.04** Approval of contracts and expenditures to individual vendors less than \$20,000.00.
- 4.2.14.05** Administrative and operational procedures necessary to carry out the policies and directives.
- 4.2.14.06** Establishes and approves all district changes within the policies established by the Board.
- 4.2.14.07** Approval of staff goals and objectives consistent with the district goals and objectives approved by the Board.

Board Approved 9/21/10

**4.2.15     CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION OF EMPLOYEES**

The Board recognizes that continuing education and professional certification of employees results in improved public service, greater cost effectiveness in park and facility maintenance and more efficient delivery of leisure services. In order to foster ongoing employment of competent and responsive personnel, continuing education of employees shall be encouraged and supported by the Board. Likewise, professional certification of employees shall be encouraged and supported by the Board.

**4.2.16     POLICIES, RULES, REGULATIONS & OPERATIONAL PROCEDURES**

- 4.2.16.01** The Board has the sole authority to establish policies of the District.
- 4.2.16.02** The Board shall establish all personnel policies relating to employment with the district.
- 4.2.16.03** The Board shall establish all rules and regulations in reference to the use of parks and facilities within its jurisdiction.
- 4.2.16.04** The Board shall appoint the Director as the chief executive officer of the Park District. The Director shall be responsible for the administration of all recreation programs, and the management of all parks, buildings and facilities. The Director serves as a technical advisor and consultant to the Board.
- 4.2.16.05** The Director shall establish all procedures necessary to implement the policies of the Board and run the day-to-day operations of the District.

#### **4.2.17     RECOGNITION OF PAST COMMISSIONERS**

The Board recognizes the time and effort contributed by past commissioners who have served at least eight (8) years in office by issuing on an annual basis, an annual individual golf/learning center pass, an individual membership to the Scott R. Triphahn Community Center and Ice Arena, Willow Recreation Center, Seascape Family Aquatic Center and Prairie Stone™ Sports & Wellness Center. This recognition is based on an annual renewal that must be requested by the individual each year. The recognition is limited to former commissioners who currently are not holding the position of Hoffman Estates Park District commissioner.

Past commissioners are responsible for any tax liability for such benefits. If the total value of such benefits exceeds \$600 in a calendar year the past commissioner will be issued a 1099 from the District.

**Board Approved 7/24/2012**

#### **4.2.18     STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

No officer (elected or appointed official) or employee (full-time, part-time or contractual) shall intentionally perform any prohibited political activity during any compensated time.

No officer or employee shall intentionally use any property or resource of the governmental entity in connection with any prohibited political activity.

No officer or employee shall intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

No officer or employee and their immediate family members shall accept any gift from any source that does or may do business with the district that has a cumulative value of more than \$100 in any calendar year (\$75 for food or refreshments).

#### **4.2.19 RECOGNITION OF PAST EMPLOYEES:**

The Board recognizes the time and effort contributed by former, full-time Hoffman Estates Park District employees who have served at least twenty-five (25) years full time by issuing an individual, lifetime membership to the Scott R. Triphahn Community Center and Ice Arena, Willow Recreation Center, Seascape Family Aquatic Center and Prairie Stone™ Sports and Wellness Center.

Board Approved – September 19, 2006

**This recognition is based on an annual renewal that must be requested by the individual each year.**

**Past employees are responsible for any tax liability for such benefits. If the total value of such benefits exceeds \$600 in a calendar year the past employee will be issued a 1099 from the District.**

**Board Approved 7/24/2012**

#### **4.3 COMMITTEES**

##### **4.3.01 CREATION OF COMMITTEES**

Committees may be appointed from time to time by the president as required with the consent of the Board.

##### **4.3.02 APPOINTMENTS**

All committee appointments shall expire at the next annual meeting, unless said committees are discharged sooner by Board vote. Unless otherwise appointed with the consent of the Board to serve on a committee, the president shall serve as an ex-officio member of each committee. Committee chairpersons, commissioners and community representatives are to be appointed annually by the president with the consent of the Board. Appointments shall be made at the annual Board meeting or any such time deemed necessary and/or appropriate by the president with the consent of the Board.

**Approved by Park Board March 25, 2008**

In the event the committee chair or vice chair is not present at a committee meeting, regardless of quorum requirements, the commissioner who fills the committee chair position according to Section 4.3.03.01 shall serve as committee chair as a voting committee member.

**Approved by Park Board May 19, 2009**

#### **4.3.03 STANDING COMMITTEES**

##### **4.3.03.01 COMMITTEE MEMBERS**

There will be two (2) Board members and no less than three (3) and no more than five (5) citizen committee representatives appointed to each standing committee. Community representatives appointed to standing committees shall reside within park district boundaries. Employees of the park district, including full-time, part-time and contractual employees are not eligible to serve on standing committees of the Board. The President, or in his/her place, the Vice President, shall sit in on each Committee and serve as a non-voting member if a quorum of Committee members is present. If a quorum of Committee members is not present, Commissioners may serve as voting members of the Committee as required to obtain a quorum. The order of determining which commissioner (s) shall serve on the Committee to obtain a quorum is as follows: President, Vice President, Treasurer, Assistant Secretary. Thereafter, an impartial random lottery selection shall be held to determine which Commissioner(s) shall serve as a voting Committee member.

Approved by Park Board 9/23/08

##### **4.3.03.2 BUILDINGS & GROUNDS COMMITTEE**

Buildings & Grounds Committee regularly scheduled meetings shall be held the first Tuesday of each month at 7:00 p.m.

This committee is to present recommendations to the Board that are consistent with the district's mission statement as it relates to the planning, construction, and maintenance of parks and park facilities. In order to develop recommendations, the committee provides direction to staff in gathering community input, researching alternatives, evaluating alternatives, reviewing bid proposals, and monitoring results. Committee involvement includes, but is not limited to:

- participation with long range planning/master plan;
- establishment of project parameters or criteria;
- participation of neighborhood/community focus groups;
- reviewing feasibility studies;
- reviewing specific development plans;
- making recommendations to Board regarding plan developments;
- reviewing developer donation agreements.
- reviewing and recommending budget funds related to the committee purpose.

The committee possesses no authority to expend district funds.

Approved by Park Board March 25, 2008  
Approved by Park Board March 22, 2011

#### **4.3.03.3 ADMINISTRATION & FINANCE COMMITTEE**

Administration & Finance Committee regularly scheduled meetings shall be held the third Tuesday of each month at 7:00 p.m.

This committee is to present recommendations to the Board that are consistent with the District's mission statement as it relates to financial personnel, policy, and other administrative issues. In order to develop recommendations, the committee provides direction to staff in gathering community input, researching alternatives, evaluating alternatives, reviewing proposals and monitoring results. Committee involvement includes, but is not limited to:

- review and recommendation of budget, levy, and appropriation;
- review and recommendation of auditors and annual audit;
- review of personnel and personnel policy-related issues;
- review of proposed revisions to the Board policy manual;
- review and recommendation of monthly warrant lists and financial statements.
- review and recommendation of miscellaneous administrative issues impacting the overall district.
- reviewing and recommending budget funds related to the committee purpose.

The committee possesses no authority to expend district funds.

Approved by Park Board March 25, 2008  
Approved by Park Board March 22, 2011

#### **4.3.03.4 FORWARD PLANNING COMMITTEE**

This committee is to present recommendations to the Board regarding future planning (both short and long term) of the district. In order to develop recommendations, the committee provides direction to staff in gathering community input, researching alternatives, evaluating alternatives, reviewing proposals and monitoring results. Committee involvement includes, but is not limited to:

- development methods/instruments to solicit citizen input into planning process;
- evaluates results of citizen input to formulate recommended plans;
- formulates and keeps up-to-date a long range (3-5+ years) district comprehensive strategic plan.



- reviewing and recommending budget funds related to the committee purpose.

The committee possesses no authority to expend district funds.

Approved by Park Board March 25, 2008

#### **4.3.03.5 RECREATION COMMITTEE**

Recreation Committee regularly scheduled meetings shall be held the second Tuesday of each month at 7:00 p.m.

This committee is to present recommendations to the Board that are consistent with the district's mission statement as it relates to the planning, development and evaluation of recreation and facility programming and events. In order to develop recommendations, the committee provides direction to staff in gathering community input, researching alternatives, evaluating alternatives, reviewing proposals, and monitoring results.

Committee involvement includes but is not limited to:

- providing input in establishing short (1-year) and long (2-5 years) range recreation and facility planning objectives;
- establishment of programming and event priorities;
- review of proposed revisions to revenue and recreation related policies;
- participation of neighborhood/community focus groups;
- reviewing feasibility studies;
- reviewing general programming plans and concepts;
- making recommendations to Board regarding major program and event developments;
- reviewing and recommending budget funds related to the committee purpose.

The committee possesses no authority to expend district funds.

Approved by Park Board March 25, 2008

Approved by Park Board March 22, 2011

#### **4.3.03.6 QUORUM**

A majority of the members constitute a quorum for standing committees.

#### **4.3.03.7 AGENDA**

1. Call to Order
2. Approval of Agenda
3. Approval of Committee Minutes
4. Comments from the Audience

5. Old Business
6. New Business
7. Committee Member Comments
8. Adjournment

#### **4.3.03.8 ATTENDANCE REQUIREMENTS**

Community Representatives serving on any committee who have 3 consecutive unexcused absences or have unexcused absences from more than 50% of the meetings at any time during their appointed term, may be removed from that committee by a 5/7 vote of the Board. Community Representatives are expected to notify the Executive Director prior to the meeting if they will be unable to attend. Whether absences are excused or not will be determined by the Board.

Approved by Park Board May 19, 2009

#### **4.3.03.9 COMMITTEE RECOMMENDATION TO BOARD**

All recommendations made by committees which require board action will be forwarded to the next board meeting. The recommendation will be placed on the Consent Agenda with the committee's recommendation either in favor of or against the motion, unless it is a split vote in which case the recommendation will move directly to the next board meeting and be placed under New Business.

Approved by Park Board May 19, 2009

#### **4.3.04 AD HOC COMMITTEES**

Ad Hoc committees may be appointed by the president with the consent of the Board to study various issues as deemed advisable by the Board and for a period of time also determined by the Board. The number of Board members and citizens or committee representatives, if appropriate, will be determined by the president.

##### **4.3.04.1 AD HOC COMMITTEE MEMBERS**

There will be two (2) Board members and no less than seven (7) and no more than fifteen (15) citizen committee representatives appointed to an Ad Hoc Committee. Community representatives appointed to an Ad Hoc Committee shall reside within park district boundaries. Employees of the park district, including full-time, part-time and contractual employees are not eligible to serve on Ad Hoc Committees of the Board. The President, or in his/her place, the Vice President, shall sit in on an Ad Hoc Committee and serve as a non-voting member if a quorum of Committee members is present. If a quorum of Committee members is not present, Commissioners may serve as voting members of an Ad Hoc Committee as required to obtain a quorum. The order of determining which commissioner(s) shall serve on an Ad Hoc

Committee to obtain a quorum is as follows: President, Vice President, Treasurer, Assistant Secretary. Thereafter, an impartial random lottery selection shall be held to determine which Commissioner(s) shall serve as a voting Ad Hoc Committee member.

#### **Section 4.3.04 Approved by Board March 19, 2013**

#### **4.3.05 CITIZEN PARTICIPATION**

It shall be the policy of the Board of Park Commissioners to promote dialogue and direct communications between the citizens of the park district and the Park Board of Commissioners and staff. This process encourages and is stimulated in many ways, including, but not limited to, the following methods:

**4.3.05.01** Citizen Advisory Committees shall be established as deemed necessary to solicit citizen input regarding a specific facility, program area or issues of concern by the president with the consent of the Board. The bylaws, which govern each citizen advisory committee, may vary for each committee, if deemed necessary, in order to meet the specific needs of the committee and shall be approved by the Park Board of Commissioners. One commissioner shall be assigned as a board liaison by the president with the consent of the Board. One staff member shall be assigned as a staff liaison by the Executive Director. The committees shall be advisory in nature and shall make recommendations to the Board and staff.

**4.03.05.02** Community Representatives are appointed annually by the Park Board of Commissioners to serve on all park district committees.

**4.03.05.03** Commissions formed in cooperation with other governmental entities, which help promote the mission of the park district, shall, when appropriate, appoint citizens to represent the park district. Appointments shall be made annually by the president of the Board with the consent of the Park Board of Commissioners. Residency within the park district boundaries is not required if citizen is actively involved in the community and has demonstrated a genuine interest in the park district.

#### **4.3.06 COMMUNITY REPRESENTATIVE/FOUNDATION BOARD TRUSTEE FACILITY USAGE**

1. All Community Representatives serving on a standing committee, and all Foundation Board Trustees who attend a minimum of 50% of the Foundation Board meetings and events each year, may receive the following discounts for usage (or membership) during their first year:

- A. Seascape Aquatic Center: 25% off individual membership (one per term).
- B. Bridges of Poplar Creek: 25% off driving range buckets of balls and 25% off resident rate green fees on weekdays and after 1:00 p.m. on Fridays, weekends and holidays.
- C. Hoffman Estates Park District Scott R. Triphahn Center & Ice Arena: 25% off individual membership (one per term).
- D. Willow Racquetball and Fitness Center: 25% off individual membership (one per term).
- E. Prairie Stone™ Sports & Wellness Center: 25% off individual membership (one per term). No discount will be given on Massage, Day Spa, Personal Training, Nutrition or Private Tennis Lessons.
- F. Bo's Run and/or Freedom Run 25% off resident rate.
- G. A recreation program discount of 10% will be given for Community Representatives, Foundation Board Trustees and their immediate family members.

2. All Community Representatives with **more than one year of service** on a standing committee and all Foundation Board Trustees with more than one year of service and who attend a minimum of 50% of the Foundation Board meetings and events each year may receive the following discounts for usage (or membership) of the following facilities based upon availability:

- A. Seascape Aquatic Center: 50% off individual membership (one per term).
- B. Bridges of Poplar Creek Country Club: 50% off driving range buckets of balls, and 50% off resident rate green fees on weekdays and after 1:00 p.m. on Fridays, weekends and holidays.
- C. Hoffman Estates Park District Scott R. Triphahn Community Center & Ice Arena: 50% off individual membership (one per term).
- D. Willow Racquetball and Fitness Center: 50% off individual membership (one per term).
- E. Prairie Stone™ Sports & Wellness Center: 50% off individual membership (one per term). No discount will be given on Massage, Day Spa, Personal Training, Nutrition or Private Tennis Lessons.
- F. Bo's Run and/or Freedom Run 50% off resident rate.
- F. A recreation program discount of 20% will be given for Community Representatives, Foundation Board Trustees and their immediate family members.

Approved by Park Board 3/23/10  
**Section 4 Board Approved June 2010**

3. Any Community Representatives, Foundation Board Trustees and their immediate family members that receive any durable goods (i.e. clothing or apparel, etc.) and any value associated with the discounts they receive for programming or facility usage will have the responsibility for any tax liabilities resulting from those fringe type benefits provided to them.

If the aggregate value of such benefits that are not de minimis exceeds \$600 in a calendar year, the individual Community Representative or Foundation Board Trustee will be issued a 1099 from the District.

Board Approved 7/24/2012

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#### **5.01 DISTRICT WIDE COMPREHENSIVE PLAN**

The Board shall adopt and maintain a current District Wide Comprehensive Plan at all times. The Comprehensive Plan shall be developed based on commissioner, staff and citizen assessment of the District's current and future park, facility and recreation needs. The Comprehensive Plan shall include, but not be limited to, a community profile and trends assessment, citizen input, District profile, mission statement, goals, objectives, capital projects and financial analysis. The Comprehensive Plan shall be updated a minimum of once every five (5) years and shall be published for public review.

#### **5.02 NEEDS ASSESSMENT**

In order to facilitate the involvement and input of citizens in the long range planning and decision-making process affecting the delivery of park, facility and recreation services, the Board shall conduct a comprehensive community-wide assessment a minimum of once every five (5) years. The results of the needs assessment shall be documented as part of the Park District Comprehensive Master Plan and shall be published for public review.

#### **5.03 PARK MASTER PLAN**

All land controlled by the District shall serve an intended purpose which provides public benefit. The type of use may vary from a highly developed parcel requiring intensive maintenance to one which is undeveloped and more passive in intended use. Prior to accepting land, committing to the development of a previously undeveloped park site, or redeveloping a park which significantly modifies its previous use and purpose, the Board shall approve a Park Master Plan that will govern its orderly development and will protect and preserve desirable qualities of the resource base.

The Park Master Plan shall consist of a schematic drawing which shows the spatial arrangements of various components of the plan, such as playground areas, ball fields, buildings, floral display areas, etc.

Prior to adopting a Park Master Plan, staff will hold a public meeting, if applicable, to gather input from the community and surrounding neighborhood. Using input gathered, staff will develop a preliminary draft with cost estimates to present to the Building & Grounds Committee or other appropriate committee. The recommendations of the Committee and staff shall be presented to the Board for final action.

#### **5.04 PROCEDURES MANUAL**

The Director is responsible for creating and updating, or causing to be created, a district-wide procedures manual. The procedures manual shall

encompass all staff procedures required to operate the District according to Board approved policies.

## **5.05 NAMING AND RENAMING OF PARK SITES**

The Board shall select names for new parks, buildings, facilities, athletic fields, or, when appropriate, to change the name(s) of existing parks, buildings, facilities, or athletic fields of the district that have not been dedicated. The Board may consider the following elements in determining the naming or renaming of parks, buildings, etc. (for purposes of this section only, "parks" shall means parks, buildings, facilities, athletic fields, or other "namable" property of the District):

- A. Parks may be named after streets, geographical locations, historical figures, events, concepts or as otherwise determined by the Board.
- B. Parks may be named for individuals or groups that have donated land or facilities to the District or made a significant financial contribution toward the development of parks.
- C. Parks may be named for individuals or groups that have made exceptional contributions to the community. Names of individuals, including, but not limited to, District Commissioners or other public officials, may not be given to a park, building, facility or athletic field unless the individual is deceased or if the Board determines that there are substantiated extenuating circumstances whereby the naming of the park, building, facility or athletic field prior while the individual is alive serves the best interests of the district.
  - 1) The Board at public meeting should first announce the proposed name of the park, building, facility or athletic fields (requires a 5/7 vote).
  - 2) A park site should only be confirmed and the name made official after a waiting period of at least sixty (60) days before the confirmation vote. However, when the substantiated extenuating circumstances clause noted in C above is invoked, the 60 day official waiting period may be waived at the discretion of the Board before the confirmation vote.
  - 3) A 5/7 vote by the Board is required to name a park, building, facility, or athletic field or to change the name of an undedicated park, building, facility or athletic field of the District.



## **5.06 SALE AND REAL ESTATE AND EXCESS PROPERTY / EQUIPMENT**

The Board may, from time to time, decide to liquidate certain assets that it has accumulated, including land, buildings, equipment, and other tangible items.

Illinois Compiles Statutes sets forth the powers and procedures governing the sale, lease, or *license* of real estate and shall be adhered to in all instances. Requests to either sell, lease, or license when the District anticipate that out-of-pocket expenses will be incurred shall require a board approved *Reimbursement of Fees Agreement* as a condition to proceed with the petitioner's request.

The staff may recommend the sale or liquidation of certain pieces of equipment or other personal property when such sale or liquidation is determined to be in the best interest of the District. If the Board determines that the property is no longer necessary, useful to, or in the best interest of the District, the Board may adopt, by a three-fifths (3/5) vote, an ordinance authorizing the conveyance or sale of the personal property in any manner that the Board may designate with or without advertising the sale.

## **5.07 EASEMENT REQUESTS**

Due to the number and size of park sites the District owns, it is not uncommon to receive requests for easements. The following policies shall govern the granting of easement requests:

- A. Granting of easement requests should not interfere with existing development plans of the park site in question.
- B. Easement requests should not place undue restrictions on the park site during the construction phase or once the ground is repaired and is available for public use.
- C. Easement grantee should be expected to restore fully, at his/her expense, all landscape items such as trees, shrubs, sod, and other items, as required to restore the landscape to its original condition or better, as determined by the District.
- D. Homeowner – Frequently homeowners seek temporary easements of access for construction improvements to their property. In such instances, fees may be waived for residential homeowners.
- E. Private Contractor / Developer – When a private contractor/developer requests to utilize District property for the purpose of generating revenues, the District should share in the revenue potential to be generated.
- F. Utility Companies – Fees should be assessed as determined to be reasonable and appropriate by the District.

- G. Governmental Bodies – Fees should be assessed unless the governmental body requesting the easement has a history of cooperation with the District, in which case the fees may be waived.
- H. The Building & Grounds Committee will initially review all requests along with staff. The recommendation of the Committee and staff will then be forwarded to the Board for final action. A security deposit or bond, proof of insurance in the amount required by the district's insurance carrier, naming the District as additional insured, and a written statement from the homeowner that all damages to park property will be fully paid by said owner will be required in addition to any fees assessed.
- I. Request for an easement (either temporary or permanent) when the District anticipates out-of-pocket expenses incurred shall require a board approved Reimbursement of Fees Agreement as a condition to proceed with the petitioner's request.

#### **5.08 COOPERATIVE USE AND MAINTENANCE**

To promote and enhance efficient use of tax dollars and effective delivery of park, facility and recreation services, the Board, with other public and private entities as may serve the best interests of the District, shall strive to develop cooperative inter-agency agreements.

#### **5.09 INTERGOVERNMENTAL COOPERATION**

To promote and enhance efficient use of tax dollars and effective delivery of park, facility and recreation services, the Board and staff shall strive to develop intergovernmental cooperation agreements with local, state and federal governmental agencies.

#### **5.10 LENDING OF EQUIPMENT**

Lending and borrowing of equipment are common among governmental entities such as Districts, Cities, Villages and School Districts.

The Administrative Staff will be empowered to both loan and/or borrow equipment when determined necessary by the Administrative Staff and approved by the Director. The Administrative Staff and Director are similarly empowered to establish a fair and equitable rental rate on specialized pieces of equipment or to loan equipment with the exception of not charging the requesting agency, which in turn, will reciprocate at a later date.

#### **5.11 ENVIRONMENTAL POLICY**

Consistent with our organizational mission and values, the park district is committed to providing a leadership role in the development and use of sound environmental policies, practices and educational opportunities. By

prescribing to the following philosophy and principles, the park district is striving to establish a high standard of leadership in competency in maintaining and improving the quality of our environment.

### **Philosophy**

As community leaders we have the responsibility to create an awareness of the critical roles our parks play in protecting our environment, as well as their value as living laboratories for educating the citizens of our community, particularly our children.

Parks build a sense of community unification and social interaction; as such, adequate park lands need be accessible as amenities and common space for all community members, regardless of ethnicity, age, physical ability, or economic and social status.

Public policy must focus on promoting parks and outdoor recreation as lands that make communities more livable and desirable and serve as a driver of effective economic development strategies as they tend to attract businesses, tourists and the creative work force.

As an engaged agency we will advocate for adequate funding and support to protect our natural resources and establish innovative strategies for developing a new generation of environmental stewards.

We have a responsibility to develop sustainable practices in land and facility design, maintenance and management that serve as models for our community and residents.

We need to promote the reclamation, acquisition, protection and management of open space areas, including wetlands, creek corridors, natural habitat areas, ponds, greenways and trails.

We will strive to practice environmentally sound maintenance practices, minimizing energy use, recycling waste whenever possible and following integrated pest management guidelines that allow us to control pests and infestations with a minimum of disruption to the environment.

We will champion the cause to preserve, enhance and interpret the scenic and aesthetic resources that are a part of our Hoffman Estates environment.

### **Principles**

The Hoffman Estates Park District will, to the greatest extent practical:

### **Purchase and Use of Environmentally Safe and Sensitive Products**

Purchase products for use in facility and parks operation which minimize negative environmental impact and take into consideration the effects of product production, transportation, use, storage, disposal and cost.

### **Wise Use and Protection of Air, Water, Soil and Wildlife**

Actively seek and implement ways to conserve and protect water and soil, enhance air quality, limit the production and release of damaging pollutants, while protecting park users, plant and animal life.

### **Wise Use of Energy Resources**

Actively seek and implement ways to conserve energy resources and investigate methods of applying alternative energy technologies into every day situations.

### **Reduction and Handling of Waste**

Reduce waste production, reuse and recycle materials from facility and park operations, and handle hazardous and all other wastes according to lawful and safe disposal procedures.

### **Open Space Planning and Preservation**

Protect, restore / reclaim marginal park land to indigenous natural communities such as grasslands, woodlands and wetlands, and promote the reclamation, acquisition, preservation and management of other open space areas, including natural corridors, waterways, greenways and trails.

Determine and monitor the carrying capacity of our parks so that decision makers and the general public are knowledgeable of when there is a need for expansion or modification to existing park resources.

### **Environmental Education and Interpretation**

Foster a community sense of stewardship of the environment and aesthetic appreciation of resources.

Provide education and interpretation opportunities for staff, program participants and the general public which increases appreciation for the natural world and promote environmentally conscious lifestyles, emphasizing selective consumption and low-impact resource use.

Approved by Board 3/23/10

## **5.12 COMMUNITY SIGN USAGE**

The purpose of these signs is to promote District and District-affiliated activities, facilities and services or for other uses approved in the best interest of the Park District.

## **5.13 MEMORIAL POLICY**

The Board of Commissioners recognizes the need of its residents for memorializing special park and recreation amenities and/or features as a lasting tribute to family member, events or to organizations. These individuals or groups may wish to donate such items as park benches, picnic tables, floral gardens, drinking fountains, tennis courts or other permanent amenities based upon their wishes or suggestions of the District.

Memorial trees are exempted from this policy and are covered under the Memorial Tree Program Policy No. 5.14.

It is the policy of the Board to review all such requests prior to final approval based on the following criteria:

- 1) The request is for a recreation or park amenity or park feature that will in no way adversely affect the health and safety of the individuals who will use this amenity or park.
- 2) The specific request should be consistent with the park's current and projected future design and use and should be considered a permanent improvement, which adds value to the overall District.
- 3) All amenities and/or park features shall be installed by a District approved contractor or by District staff. All labor costs will be assumed 100% by the donor(s). All private contractors must fulfill District installation specifications, insurance and liability requirements prior to installation of memorial.
- 4) The Board shall approve the overall size and wording engraved on the memorial plaque. As a guideline: A) plaques larger than 8" x 8" should be mounted on a larger surface such as a boulder, slate rock or pedestal; B) plaques should not be larger than 18" in height or length and should not contain excessive wording as determined by the Board.
- 5) The plaque should be made from a material approved by the Board. Bronze and heavy-duty aluminum are two materials which are pre-approved.
- 6) The memorial park amenity or park feature, the location and plaque specifications must be initially reviewed by the Building & Grounds Committee and receive final approval from the Board of Commissioners.

- 7) The cost of the memorial park amenity or park feature, the installation and plaque and the mounting will be the financial responsibility of the donors if they desire to commemorate their donation.
- 8) The District will assume maintenance responsibilities for the upkeep of the memorial amenity or park feature. However, in the event of vandalism or theft, the District will not be responsible for replacement or repair of the memorial amenity, park feature or memorial plaque and mounting.
- 9) The Board reserves the right to relocate the memorial at their discretion due to future changes in the design of the park which are adversely impacted by the memorial.

#### **5.14 MEMORIAL TREE PLANTING PROGRAM POLICY**

The living tree memorial program is designed to help beautify the District's parks and allow residents to honor a special person or occasion. Persons wishing to commemorate a special event, such as a wedding anniversary, birth date or memorial to a loved one or relative may do so by having a tree of their choice planted in any of the District's parks.

- 1) A one-time donation is required equal to the cost of the memorial plaque, and purchasing and installing the tree and plaque to be planted in a choice of parks. All trees will be 3" – 4" in diameter, as young trees of this size have the best rate of survival after transplanting.
- 2) Those donating a tree will receive a memorial plaque to be used at the base of each tree within the mulched tree ring commemorating the gift. The 5" diameter memorial plaque may contain the donor's name or the name of the person they wish to honor and relevant date.
- 3) The park and specific site within the park must receive approval of District staff.
- 4) District staff must approve the specific tree variety. Certain tree species may be additional costs and shall be the financial responsibility of the donor.
- 5) District staff will plant the memorial tree in either the spring or fall when planting conditions are optimal.
- 6) District staff will take responsibility to maintain the tree and will guarantee the replacement of the tree. However, the Board reserves the right to relocate the tree at their discretion due to future change in the design of the park.

#### **5.15 VOLUNTEER RECOGNITION**

It is the intent of the park board is to formally recognize significant achievements and/or contributions from individuals, businesses, teams, programs, community groups, associations, municipalities, etc, (hereafter referred to as 'volunteer') that have through personal commitment demonstrated significant accomplishments and/or contributions relating to the

mission and goals of the District. In order to honor the achievements and/or contributions of such 'volunteers', the Board will recognize 'volunteers' with the following awards:

- Best of Hoffman Award:  
This award will be given on a monthly basis as warranted to any 'volunteer' for an achievement and/or contribution of time, services, funding or ideas in any time frame, single event or on-going time period. Best of Hoffman recipients will be recognized at a Park Board meeting and will receive a recognition award and be recognized on the District's web site.
- Hoffman Estates Volunteer of the Year Award:  
This award will be given to the 'volunteer' that the park board wishes to recognize for a significant achievement and/or contribution of time, services, funding or ideas during the preceding year in any time frame, single event or on-going time period. The board will choose from Best of Hoffman recipients within the given year to receive this honor. Recognition for this award will include a photo and nameplate with the year to be displayed on a perpetual plaque. The photo will remain on display for the year until the next recipient is awarded. This plaque will be located in the main volunteer's recognition area within the administration center.
- Volunteer Award of Excellence:  
This award will be given for significant volunteer contribution(s) over an extended period of time. These contributions will be reflective of significant amounts of time, services, funding, ideas or leadership volunteered on a continual basis. Recognition for this award will include a single plaque with a photo and a brief description of the contribution that the 'volunteer' made to the District. This plaque will be located in the main volunteer's recognition area within the administration center.

## **5.16 USE OF CELLULAR TELEPHONES IN PARK DISTRICT FACILITIES**

No person shall use:

- (i) any device, instrument or means capable of recording, producing, duplicating, reproducing, storing, copying, transmitting or displaying any type of image, picture, or visual representation, including but not limited to any photographic camera or video camera, or;
- (ii) any cellular phone of any type or kind, regardless of its capacity or lack thereof to produce such an image, picture or visual representation; in any restroom, locker room, lavatory, bathroom, shower facility, dressing room, sauna or other facility or room therein where patrons of the Park District had a reasonable expectation of privacy.

The broadcast or transmission of any broadcast, cable or satellite television programming shall not be considered a violation of the preceding limitation.

Any person found violating or disobeying any provision of this policy will be subject to a fine and/or legal prosecution to the limits of the law. In addition, any person discovered violating this Policy while on Park District premises shall be required to leave said premises immediately and shall not be allowed to return to any Park District facility at any time except upon the written approval of the Director or his designee. If the person found violating this ordinance is a minor, then the Park District shall, in addition, immediately notify the parents or legal guardian of the offense.

Any violation of this policy may be prosecuted in an action in the name of the District in the Circuit Court of Cook County, as applicable.

#### **5.17 PARK & FACILITY IMPROVEMENT NOTIFICATION**

The District shall provide a written notice of a public meeting regarding permanent physical structures which change the use of a district park or will have an impact on traffic flow on adjacent public streets to a facility or a park to all residents and businesses within 300 feet of the perimeter of the subject park or facility boundaries. Written notice shall be served in person or by mail, not more than thirty (30) days nor less than ten (10) days prior to the scheduled public meeting date. This notification shall contain: 1) the nature and purpose of the meeting, the common address, name and/or location of the property in question; 2) a map identifying the location of the property in question; 3) the time and place of meeting; and 4) the contact person and telephone number where additional information may be obtained. A sign will be posted on the property clearly legible to the public view on the nearest public way at the main park entrance not more than thirty (30) days nor less than ten (10) days for at least ten (10) consecutive days prior to the public meeting date.

**Board Approved – February 21, 2006**

**Section 5 Board Approved June 2010**

**Board Approved – July 26, 2011**

#### **5.18 FREEDOM OF INFORMATION ACT (FOIA)**

This policy is enacted in compliance with the Illinois Freedom of Information Act, 5ILCS 140/1 *et. seq.* The district will respond to any FOIA requests filed in writing to the district within 5 business days after the request is received except those requests which seek records to be used for Commercial purposes, or if the time for response is properly extended per statute. The district shall respond to records to be used for Commercial purposes within 21 business days after receipt of request.

All requests to inspect, copy, or certify public records must be in writing directed to the Hoffman Estates Park District and submitted via personal delivery, mail,



fax, or other means available to the district in accordance with Section 3(c) of the Act. The district will honor all requests lawfully submitted to the district whether or not they are submitted on district FOIA request forms. FOIA requests will be deemed received only upon actual receipt by the park district on a working day regardless of the date of transmittal. FOIA requests sent via email or fax or otherwise delivered after business hours will be deemed received the next business day. Supplemental, amended or additional requests to inspect, copy or certify public records will not relate back to the time of receipt of the initial request. Supplemental, amended or additional requests will be considered new requests for the purpose of determining all applicable time periods.

There will be no fee for the first 50 black and white copies; additional black and white copies are 15 cents each; color copies are 50 cents each; copy of Certified Records are \$1.00 each record.

The district shall extend the time for its response to a Recurrent Requester, provided that within 5 days of receipt of the request, the district notifies the requester that it is treating the request as a Recurrent Request and then within 21 days, releases the records, denies the request, or notifies the requester when the records will be provided. There is an exemption for news media and non-profit, academic, and scientific organizations.

A Recurrent Requester is someone who submits:

1. 50 or more requests in a 12 month period;
2. 15 requests in a 30-day period; or
3. 7 or more requests in a 7-day period

The district will charge a fee of \$10 per hour after the first 8 hours for personnel costs when responding to Commercial Requests. The review of Commercial Requests by the Public Access Counselor, except for the limited purpose of determining whether the public body properly classified the request as "Commercial", has been eliminated.

The district can deny a request, under the Personal Privacy or Draft Document exemptions, without the pre-approval or consent of the Public Access Counselor.

The district shall designate one or more officials or employees to act as its FOIA officers. If only one FOIA officer is designated, the district shall designate a designee who will act on the FOIA officer's behalf in the event that the FOIA office is unavailable. Any FOIA officer who is subsequently appointed shall complete the required electronic training curriculum within 30 days after assuming the position.

Representatives of the District, including commissioners, board members, and employees, are prohibited from engaging in electronic communication (including but not limited to e-mails, texts, tweets, blog postings, and/or posting on any

social media site) during any public District meeting subject to the Open Meetings Act, including but not limited to board meetings and committee meetings. Any electronic communications transmitted during any public District meeting are subject to a Freedom of Information Act (FOIA) request, regardless if they originated from the individual's personal electronic device, or a device issued by the District.

**Board Approved January 2014**

## **5.19 IDENTITY PROTECTION POLICY**

This policy is enacted in compliance with the Illinois Identity Protection Act, 5 ILCS 179/1 *et seq.* (the "Act"), which requires all local government agencies to approve an identity-protection policy.

In conformance with the provisions of said Act:

1. All employees who have access to social security numbers in the course performing their duties shall be required to attend training on the protection of confidentiality of social security numbers. The training will include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers may access such information or documents.
3. Any request for social security numbers from individuals shall be done in a manner that allows the social security number to be easily redacted if a document is required to be released as part of a public records request.
4. Any request for social security numbers from individuals shall include a statement of the purpose or purposes for which the social security number is being collected and used.
5. Social Security numbers will only be collected or disclosed for documented purposes as defined with the Illinois Identity Protection Act, 5ILCS 179/1 *et. seq.*

Violation of the provisions of this policy by employees of the Park District shall be grounds for discipline up to and including dismissal.

## **5.20 Cellular Antenna (Tower)**

Cellular antennas in today's society are widely accepted as necessary infrastructure required to support the use of cellular phones. With the need to locate cellular antennas in all areas requiring coverage, the number of cellular antennas located within the park district's boundaries is substantial.

Regarding the ultimate placement of cellular antennas, regulations require cellular antenna companies to place their cellular antennas on publicly owned property if

available and approved within the required coverage area prior to soliciting private businesses or individuals to locate the cellular antennas.

When evaluating proposals to install cellular antennas on public property, public agencies cannot legally deny the cellular antenna proposal based on the cellular antennas being a health hazard.

The United States Federal Government through the FCC has very strict regulations which govern communication towers including wireless service facilities. As a local governmental agency, both the Hoffman Estates Park District and the Village of Hoffman Estates are governed by FCC regulations.

Specifically, under Section (C)-7-(B)-(IV): No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

Therefore, the park district cannot legally consider public testimony in the decision-making process based on the environmental effects of radio frequency emissions to the extent that such facilities (cellular towers) comply with the FCC regulations concerning such emissions.

#### District Philosophy regarding Cellular Antennas

The rent that is received from these ground leases provide an alternative source of funding for park district revenues and helps reduce the burden on the usage of tax dollars. However, the revenue generated from these ground leases should not compromise the district's mission of providing first class parks, facilities, programs and services through environmentally and fiscally responsible management practices. The district has determined that it is in the best interest to accept proposals to be evaluated for cellular antenna locations on park district property that comply with the district's minimum standards for placement of cellular antennas.

#### District Minimum Standards for Acceptance of Cellular Antenna Proposals

The maximum height of a cellular antenna on park district property shall be no greater than 100 feet. In parks where the elevation is lower than the neighboring streets, the antenna may be built to a height of 100 feet above the street level closest to the proposed site. Preference will be given to proposals that use existing structures, i.e., light standards or buildings, or that can camouflage the antenna, i.e., flagpole or tree design that blend into the existing park. Cellular antennas as opposed to smaller (repeater) antennas are defined as any free standing cellular antenna pole which extends 30 feet or more.

In parks where existing light structures may be utilized to camouflage the antenna, no more than 50% of the existing light structures shall house an antenna(s). Additionally, the maximum number of antennas in any park site will be four.

In parks where a flagpole design may be used, only one flagpole may be used per park.

Other multiple antenna proposals on a site will be evaluated based on criteria including the size of the park and the potential multiple locations impacting the usability of the park.

The visual aesthetics of both the proposed cellular antenna and building structure, as well as how the structures visually and functionally blend into the surrounding environment are critical factors in the overall evaluation process.

The district has determined preferred locations based on parcel size and proximity to residents. The proposed site must be on district property that has a minimum overall size of 3 acres and the location of the antenna may be no closer than 300 feet to the nearest residential property. Furthermore, the existing public recreation areas within the park cannot be compromised as a result of the placement of the cellular antenna. For example, within Olmstead Park, the outfield areas of both baseball diamonds exceed the minimum 300 foot distance requirement from the closest residential property, however, placement of a cellular antenna in the outfield area would compromise the visual and functionality of the public recreation area.

- Proposals for ground leases shall not exceed 400 sq. feet and storage buildings shall meet all design specifications of the park district.
- Antenna arrays shall be flush mounted and shall not protrude more than 12" away from the pole.
- Noise levels cannot exceed that of a typical residential air conditioning unit.
- Antennas that can house multiple carriers are typically viewed more favorably to the district than proposals that will only house a single carrier.
- Landscaping and artificial buffers to visually screen the structures are typically required.
- Proposed installations must fully consider the safety of park users and fulfill all district required safety considerations.
- Standard length of lease is an initial five year lease with five additional five year terms. The district will evaluate length of leases on a case by case basis.

The amount of rent for the ground lease will be negotiated by the district and based on many factors, including the size of the lease and tower and location. In addition, the cellular provider shall be responsible for all additional related expenses required of the district, such as landscaping and artificial buffers. All additional expenses incurred by the district, including legal fees, shall be the responsibility of the cellular provider. The district reserves the right to evaluate proposals on a case by case basis to insure all park district standards and specifications, to be determined solely by the district, are fulfilled.

The district will also consider lease opportunities for smaller (repeater) antennas that require a smaller dedicated ground lease at a reduced rent. Repeater antennas are defined as antennas which are attached to an existing building or structure and extend greater than 10 feet in height above the existing building or structure. Locations to be considered for repeater antennas will be evaluated on a case by case basis and no parks are initially exempt from consideration.

Parks which provide for a 300 foot buffer from the closest residential property line, without compromising the programmed recreation areas within the park will be considered for cellular antennas on a case by case basis.

The district has prepared maps that detail acceptable locations. These maps are in a KZM file format on Google Earth and are available to any interested parties. Lease proposals shall be submitted to the Director of Finance & Administration and will be reviewed by staff to determine if they fall within the district's Cellular Antenna Policy. After staff review, a preliminary site plan proposal will be submitted to the Buildings & Grounds Committee. The Administration & Finance Committee will review and evaluate the ground lease agreement. The recommendations of the B&G and A&F Committees will then be forwarded to the board for a final decision. Any requirements of the Village in regards to special use or other permits will be the sole responsibility of the company wishing to enter into the lease.

#### **Section 5.20 Board Approved 10-26-10**

#### **5.21 SOCCER GOAL SAFETY**

This Soccer Goal Safety and Education Policy ("Policy") is adopted pursuant to the Illinois Movable Soccer Goal Safety Act, also known as Zach's Law, 430 ILCS 145/1 *et seq.* (the "Act"). The Act requires the park District to create a policy to outline how it will specifically address the safety issues associated with movable soccer goals.

Prior to the commencement of the soccer season each year, the District will place and secure Movable Soccer Goals on its Property in accordance with the Safety Guidelines. Only the District shall be permitted to move any Movable Soccer Goal the District owns, installs, or places on its Property. Thereafter, if a Movable Soccer Goal becomes unanchored or improperly secured, only Authorized Personnel shall be permitted to re-secure it in accordance with the Safety Guidelines.

A warning label such as the following shall be posted on all Movable Soccer Goals:

**ONLY AUTHORIZED PERSONNEL MAY MOVE AND ANCHOR THIS GOAL. IF THIS GOAL IS NOT ANCHORED DOWN, DO NOT USE IT AND CONTACT THE HOFFMAN ESTATES PARK DISTRICT AT 847-885-7500. SERIOUS INJURY INCLUDING DEATH CAN OCCUR IF IT TIPS OVER.**

The District shall routinely inspect all Movable Soccer Goals that the District has installed or placed onto its Property to verify that they are properly secured and document such inspection in writing.

Prior to any organized soccer game, the game referee shall inspect the soccer goals and the anchoring system to insure all are functioning properly and secured to the ground properly. This process is to be documented.

Prior to any organized soccer practice, the team coaches shall inspect the soccer goals and the anchoring system to insure all are functioning properly and secured to the ground properly. This process is to be documented.

If it is found that the soccer goals are not fastened properly to the ground, unless authorized personnel properly secure the goals, the planned soccer game or practice will not under any circumstance proceed at the location of the malfunctioning soccer goal, the soccer game or practice needs to be relocated to another location or canceled. The park district staff will be notified of the problem within four hours, so repairs can be implemented.

As a condition of the use of Property, before and after any Soccer-Related Activity, Permitted Users shall make a physical inspection of each Movable Soccer Goal to assure that the goal is secure in accordance with the Safety Guidelines. If any Movable Soccer Goal is not properly secured by Authorized Personnel in accordance with the Safety Guidelines, the Permitted User shall place the goal in a non-use position by laying it forward onto its front bars and crossbar and shall immediately notify the District of the location of the goal.

As a condition of the use of Property and prior to the commencement of the soccer season each year, each Organization shall advise their players and the players' parents and guardians that Movable Soccer Goals may not be moved and that any use of a Movable Soccer Goal that is inconsistent with Soccer-Related Activity is strictly prohibited, including without limitation, playing, climbing, or hanging on any part of the Movable Soccer Goal. According to the U.S. Consumer Product Safety Commission, these activities can result in serious injury, including death.

A copy of this Policy shall be provided to all Organizations using the Property for Soccer-Related Activity. Prior to using Property for Soccer-Related Activity, each Organization shall provide each of its Permitted Users with a copy of this Policy and shall require that each of its Permitted Users comply with all applicable provisions of this Policy.

At the conclusion of each soccer season, the District will either remove all Movable Soccer Goals that it has installed or otherwise placed on its Property and store such goals at a secure location or otherwise secure such goals on its Property by placing the goal frames face to face (front posts and crossbars facing

toward each other) and securing them at each goalpost with a lock and chain; or locking and chaining the goals to a suitable fixed structure such as a permanent fence; or locking unused portable goals in a secure storage room after each use; or fully disassembling the goals for season storage.

After the effective date of this Policy, the District will not purchase any Movable Soccer Goal unless it is tip resistant. A Movable Soccer Goal whose inside measurements are 6.5 to 8 feet high and 18 to 24 feet wide is not tip-resistant unless it conforms to the American Society for Testing and Materials (ASTM) standard F2673-08 for tip-resistant Movable Soccer Goals or is otherwise equipped with another design-feature approved by the U.S. Consumer Product Safety Commission. Notwithstanding the foregoing provisions, the District may continue to use its existing goals in a manner consistent with this Policy.

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

This Policy shall not create any new liability or increase any existing liability of the District, or any of its officers, employees, or agents, which exists under any other law, including but not limited to the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.* Nor shall this Policy alter, diminish, restrict, cancel, or waive any defense or immunity of the District or any of its officers, employees, or agents, which exists under any other law, including but not limited to the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.*

All District employees who have responsibility for or contact with Movable Soccer Goals shall be advised of this Policy.

A copy of the Policy is available to all other employees and any member of the public by requesting a copy from the Superintendent of Recreation at 847-885-7500.

**Section 5 Board Approved June 2010**

**Board Approved September 27, 2011**

## **5.22 Cyber Security Policy**

The Cyber Security Policy is to inform District users: employees, contractors and other authorized users of their obligatory requirements for protecting the technology and information assets of the District; and describes the technology and information assets that we must protect and identifies many of the threats to those assets.

It is the obligation of all users of the District's systems to protect the technology and information assets of the District. This information must be protected from unauthorized access, theft and destruction. The technology and information assets of the District are made up of the following components:

- Computer hardware, CPU, disc, Email, web, application servers, PC systems, application software, system software, etc.
- System Software including: operating systems, database management systems, and backup and restore software, communications protocols, and so forth.
- Application Software: used by the various divisions/departments within the District. This includes custom written software applications, and commercial off the shelf software packages.
- Communications Network hardware and software including: routers, routing tables, hubs, modems, multiplexers, switches, firewalls, private lines, and associated network management software and tools.

### Accessibility

Public users of the website may look at programs and events; however the registration software may only be accessed via the Internet by participants with a logon id and password.

Internal users (employees and contractors) of the system must have a valid logon id and password to access the system and an additional layer of credentials to access specific software.

- User accounts on District computer systems are to be used only for the business of the District and not to be used for personal activities.
- Users are personally responsible for protecting all confidential information used and/or stored on their accounts. This includes their logon IDs and passwords.
- Users are prohibited from making unauthorized copies of such confidential information and/or distributing it to unauthorized persons outside of the District.
- Users shall not purposely engage in activity with the intent to: harass other users; degrade the performance of the system; divert system resources to their own use; or gain access to District systems for which they do not have authorization.
- Users shall not attach unauthorized devices on their PCs or workstations, unless they have received specific authorization from the employees' manager and/or the company IT designee.
- Users shall not download unauthorized software from the Internet onto their PCs or workstations.

The Deputy Director/Director of A&F shall serve as the Chief Information Officer and the Superintendent of Business shall be designated as the Security Administrator for the District.

### Threats to Security

Threats to security include employees, amateur hackers/vandals and criminal hackers/vandals. Security and credentials must be layered to compensate for all levels of threat. Users are required to report any weaknesses in the District computer security, any incidents of misuse or violation of this policy to the Security Administrator.



### Use of the Internet

The District will provide Internet access to employees and contractors who are connected to the internal network **and** who has a business need for this access.

The Internet is a business tool for the District. It is to be used for business-related purposes such as: communicating via electronic mail with constituents, suppliers and business partners, providing assistance and obtaining useful business information.

The Internet service may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature or which are derogatory to any individual or group, obscene or pornographic, or defamatory or threatening in nature for "chain letters" or any other purpose which is illegal or for personal gain.

### Monitoring Use of Computer Systems

The District has the right and capability to monitor electronic information created and/or communicated by persons using District computer systems and networks, including e-mail messages and usage of the Internet. It is not the District policy or intent to continuously monitor all computer usage by employees or other users of the District computer systems and network. However, users of the systems should be aware that the District may monitor usage, including, but not limited to, patterns of usage of the Internet (e.g. site accessed, on-line length, time of day access), and employees' electronic files and messages to the extent necessary to ensure that the Internet and other electronic communications are being used in compliance with the law and with District policy.

### Controlling Access

A fundamental component of our Cyber Security Policy is controlling access to the critical information resources that require protection from unauthorized disclosure or modification. The fundamental meaning is that permissions are assigned to individuals or systems that are authorized to access specific resources. Access controls exist at various layers of the system, including the network. Access control is implemented by login ID and password.

System/network and security administrators will have full access to host systems, routers, hubs, and firewalls as required to fulfill the duties of their job. All system administrator passwords will be **DELETED** immediately after any administrator who has access to such passwords is terminated, fired, or otherwise leaves the employment of the District.

### Remote Access

Only authorized persons may remotely access the District network. Remote access is provided to those employees, contractors and business partners of the District that have a legitimate business need to exchange information, copy files or programs, or access computer applications. Users may not install personal software designed to provide remote control of the PC or workstation. This type of remote access bypasses the authorized highly secure methods of remote access and poses a threat to the security of the entire network.

### Security Breach

In the event of a suspected security breach, users will notify the Security Administrator or the Chief Information Officer who will investigate and make notification in conjunction with Illinois law 815ILCS 530/ of the Personal Information Protection Act.

### Penalty for Security Violation

All users are expected to have knowledge of these security policies and are required to report violations to the Security Administrator. The District takes the issue of security seriously, those who use the technology and information resources of the District must be aware that they can be disciplined if they violate this policy. **Upon violation of this policy, an employee of the District may be subject to discipline up to and including dismissal.**

Section 5.22 Board Approved 4/23/2013

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## **6.0      ANNUAL FISCAL REQUIREMENTS**

To the extent any Illinois State Law or Federal Law exists which is inconsistent or contrary to these policies, then the District shall conform to the requirements of State or Federal Law.

### **6.01      BUDGET AND APPROPRIATION ORDINANCE**

A combined Budget and Appropriation Ordinance shall be adopted by the Board within or before the first quarter of each fiscal year.

The budget shall contain a statement of cash on hand at the beginning of the fiscal year, an estimate of cash expected to be received during such fiscal year from all sources, an estimate of expenditures contemplated for such fiscal year and the estimated cash expected to be on hand at the end of such year.

The Budget and Appropriation Ordinance shall be prepared in tentative form and be made conveniently available for public inspection for at least thirty (30) days before final action. At least one public hearing shall be held before final action. The hearing must be advertised in a newspaper published in this District at least one week prior to the date for which the hearing is scheduled.

The Board must file a certified copy of the Budget and Appropriation Ordinance with the Cook County Clerk within 30 days of the adoption of the ordinance, along with an estimate, certified by the Division Director of Finance, of revenues, by source, anticipated to be received by the District the following year.

The Board shall comply with all requirements of the Illinois District Code which relate to the Budget and Appropriation process. The Director shall be charged with the preliminary preparation of the Budget and Appropriation Ordinance. The Budget and Appropriation Ordinance shall delineate the revenues and expenditures of all separate funds required by the District.

### **6.02      LEVY ORDINANCE**

The District has the power to levy and collect taxes on all taxable property in the District. The Levy Ordinance shall be prepared, presented and approved in compliance with the Illinois Park District Code and the Illinois Compiled Statutes.

The Division Director of Finance shall be charged with the preparation of the Levy Ordinance. The Levy Ordinance shall specify amounts to be raised by taxation, and thereby levy said amounts.

A certified copy of the approved Levy Ordinance shall be filed with the Cook County Clerk no later than the last Tuesday in December or as otherwise established by law.

#### **6.03      ANNUAL AUDIT**

An audit of all funds, property, and financial practices shall be conducted annually by an independent certified public accounting firm which will be chosen by the Board.

In addition to the normal test of various funds and investments, the firm shall provide an audit management letter providing recommendations for improving the fiscal and management practices of the District.

The annual audit shall be filed with the Cook County Clerk by June 30 following the end of the fiscal year as well as all required financial and bonding agencies.

#### **6.04      STATE OF ILLINOIS DISCLOSURE STATEMENT**

Pursuant to the provision of the Illinois State Law, it shall be the responsibility of each person applicable to be governed by "The Illinois Governmental Ethics Act." The following persons shall file verified written statements of economic interests:

- A. Members of the Board and candidates for election to the Board.
- B. District employees who are compensated for services as employees and not as independent contractors and who:
  - 1) are or function as the head of a department, division, bureau or other administrative unit;
  - 2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts in the amount of \$1,000 or greater;
  - 3) have authority to approve licenses or permits;
  - 4) adjudicate, arbitrate or decide any judicial or administrative proceeding, or review such a decision;
  - 5) have authority to issue or promulgate rules or regulations; or
  - 6) have supervisory responsibility for 20 or more employees.
- C. Persons required to file shall obtain an appropriate form from the Secretary of the District. The completed statement must be filed by May 1<sup>st</sup> of each year or as otherwise required by law.

#### **6.05      ANNUAL TREASURER'S REPORT**

The Treasurer shall approve a report at the end of each fiscal year showing:

- 1) the amount and source of all revenues, giving items, particulars and details;
- 2) all monies disbursed, where the total amount paid during the fiscal year exceeds \$2,000 in aggregate, including the name of each individual to whom the monies were disbursed and the amount paid to each person;
- 3) 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;
- 4) a summary statement of operations, for all funds and account groups, as excerpted from the annual fiscal 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 at the Cook County Clerk.

Within six months after the end of such fiscal year the Treasurer shall have published a true, complete and correct copy of such statement one time in a newspaper published in the town, District, or municipality in which he/she holds office. Certification of the statement's publication must then be filed with the County Clerk by the publisher of the newspaper.

## **6.06 STATE COMPTROLLER'S REPORT**

A copy of the Annual Audit Report must be filed with the Comptroller of the State of Illinois within six (6) months following the close of each fiscal year.

Additionally, Form 558-4 entitled "Annual Audit Report, Park and Forest Preserve Districts", is prepared annually and filed with the Comptroller. This report indicated beginning cash balance of all funds on a consolidated basis, revenues by defined categories (consolidated) and expenditures by defined categories (consolidated), with ending cash balance (consolidated) at fiscal year-end. The report further provides information regarding investment of funds by type, description of indebtedness by type including current issues and current redemptions, and appropriated amounts by funds.

## **6.07 OFFICIAL FILINGS**

On an annual basis, the District shall file with the appropriate county and state agencies:

- 1) Budget and Appropriation Ordinance
- 2) Tax Levy Ordinance
- 3) Treasurer's Report (Statement of Receipts and Disbursements)
- 4) Form 558-4 Annual Report, Park and Forest Preserve Districts
- 5) Annual Financial Statement and Independent Auditor's Report

- 6) Prevailing Wage Ordinance
- 7) Any other documents or reports required by law

**Section 6 Board Approved July 2010**

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## **7.0 FISCAL OPERATING AND BUSINESS POLICIES**

### **7.01 STATEMENT OF INTENT**

The financial resources of the District are the means by which the District serves the public. All financial operations shall be conducted in accordance with written policies, procedures, ordinances and manuals.

All financial transactions of the District shall be recorded in a prescribed manner and be conveyed in a written and/or oral format. Internal controls shall be such that accurate records of all transactions will be available for audit purposes.

### **7.02 CREATION OF DEBT**

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.

### **7.03 AUTHORIZATION FOR CHECK SIGNING / BILL PAYMENT / CHECK ISSUANCE**

The Director, Division Director of Finance, Board President and Board Treasurer are authorized to sign District checks with Board approval.

General Fund Account: District checks may also be signed and issued without prior Board approval that are routine, due for payment each month or are financially advantageous to remit promptly, such as:

- Pension/State/Federal Government obligations
- Payroll transfers and contracted labor
- Program and user fee refunds
- Insurance premiums and reimbursements
- Trips and special event expenditures
- Petty cash reimbursements
- Liquor purchases
- Items with discounts
- Utility bills
- Past due items requiring immediate payment
- Items requiring a deposit amount
- Items requiring immediate payment upon project or service completion
- Emergency checks required prior to the next regularly scheduled Board meeting

These "interim" checks are to be documented and post approved by the Board at the next regularly scheduled Board meeting. These checks shall appear on a separate detailed Board report for approval.

All other checks to be issued shall be done so after the Board's approval of the detailed Board report that itemizes each check to be issued by listing vendor, amount, invoice date and number and general ledger account being charged for the expenditures. The Board will review both monthly reports at the official monthly Board meeting and vote on final approval. All accounts payable, payroll and interim checks require two authorized signatures (manual, hand-stamped or machine signed).

The District shall comply with the Local Government Prompt Payment Act 50 ILCS 505, et. seq. including but not limited to approving a vendor's invoice within 30 days of receipt of the bill or the goods or services received and the District shall pay any approved invoice for payment within 30 days of approval.

Payroll Account: This account is used solely for the purpose of paying employees. The Director and the Division Director of Finance have the authority to sign the payroll checks. All payroll checks require two (2) authorized signatures either automated or manual.

#### **7.04 FIDUCIARY BONDING INSURANCE COVERAGES**

The District shall obtain adequate insurance, which provides protection against both internal and external acts of fraud, dishonesty and theft, which may arise either from criminal intent or negligence. Adequate insurance amounts required shall be determined by the District's Risk Management insurance provider.

The following coverages are to be maintained by the District:

##### **1. 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, which results in conviction.

2. BLANKET BOND COVERAGE

This protects the District against losses due to dishonest or fraudulent acts by District employees.

3. 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.

**7.05 INSURANCE**

The District shall obtain sufficient insurance protection from losses arising out of physical damages due to fire, storm, vandalism, accident or other hazards; injuries arising from work-related sources; judgments against the District and its employees predicated on liability for acts due to negligence; motor vehicle liability; and physical damage explosion protection. Such insurance is to be obtained from qualified carriers at the lowest, effective cost. In the alternative, the District may become a member of an intergovernmental self-insured cooperative as permitted by the Illinois Intergovernmental Cooperative Act in order to pool its funds with funds of other Districts and share with them the cost of losses including those set forth above.

Insurance membership in a self-insured pool shall also be obtained to protect full-time employees of the District as to losses due to non-work related injuries or illness. The District may provide coverage for hospital rooms, Board and services, dental, vision care, physicians' and surgeons' fees, and medications and other supplies. It may also provide insurance for life, accidental death, dismemberment, disability, and income protection.

**7.06 INTERNAL AUDITING**

The Director of Finance of the District shall periodically conduct such audits, investigation and implement such charges as are needed to guarantee the proper conduct of District activities related specifically to the collection and disbursement of funds, accounting allocation of those funds, budget administration, inventory of material, supplies and equipment, employment records, authorization, contracts, report of hours worked and wages paid and shall periodically conduct a surprise payroll audit.

**7.07 FINANCIAL AND "OFFICIAL" RECORDS RETENTION**

The Local Records Commission for Cook County issues regulations establishing procedures for compiling and submitting to the Commission lists and schedules of public records proposed for disposal.

The District shall comply with any and all requirements of the Illinois Local Records Act and any other statutes; rules or regulations established governing local records retention.

## **7.08 CASH RECEIPTS**

### **DAILY INCOME REPORTS:**

A Daily Income Report should be generated for each day's operation, even if the operation did not generate any inflow of funds (unless a facility is shut down for the season).

The cash receipts procedures of the District shall maintain such segregation of job duties to ensure optimal internal controls over District resources as may be achieved based on approved staffing availability.

Daily Income Reports should have attached to them the following:

- Cash Register Tape(s), (where used)
- Copy of Deposit Slip(s)
- Credit Card Slip(s), (where used)
- Credit Card Transmittal Report
- Redeemed Gift Certificates
- Void(s) Documentation
- Refund receipts signed by customer with address and phone number.

The entire report and daily receipts shall then be placed in the drop safe at each facility. The business office will collect these drops at the Triphahn Center and PSSWC. From Seascope and WRC, the manager shall bring the report to the accounting department at no less than a two-day delay (this includes both Saturday and Sunday).

Detail written explanation of any Over and Shorts of \$5.00 or more should accompany the Daily Report. Over and Shorts of \$20.00 or more should be communicated to the accounting department at time of delivery of the report to the Business office.

In the event deposits cannot be made daily and/or the income reports cannot be turned in on a timely basis, the Division Director of Finance shall be notified.

## **7.09 INVESTMENT OF EXCESS CASH**

The Division Director of Finance of the District will be responsible for the investment of the District's funds in accordance with this policy. In addition to the Division Director of Finance, the Director, Board President and Board Treasurer will be authorized signers on the District's investment accounts.

Allowable Investments: In accordance with the Public Funds Investment Act, the District's Board hereby approves the following as authorized investments:

- 1) Any bonds, notes, certificates of indebtedness, treasury bills or other similar obligations of the United States of America or its agencies.
- 2) Interest-bearing savings accounts, interest-bearing certificates of deposits or interest-bearing time deposits or any other investment constituting direct obligations of any commercial bank incorporated under the laws of the United States or any state thereof or the District of Columbia that are insured by the Federal Deposit Insurance Corporation.
- 3) \*Short-term obligations of corporations (commercial paper) organized in the United States having assets in excess of \$500 million if such obligations are rated in one of the two highest rating classifications established by standard rating services; the obligations mature not later than **270** days from the date of purchase; such purchases do not exceed ten-percent of the corporation's outstanding obligations and no more than one-third of the District's funds may be invested in commercial.
- 4) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such fund is limited to obligations described in Item 1) above and to agreements to repurchase such obligations.
- 5) Interest-bearing bonds of any county, township, city, village, incorporated town, Municipal Corporation or school district, provided that the bonds are rated in one of the two highest rating classifications established by the standard rating agencies.
- 6) Short-term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan association incorporated under the laws of any state or the United States.
- 7) Banker's acceptance notes issued by the FDIC insured institutions having total assets in excess of \$100 million. Such investments are limited to no more than \$500,000 with any one institution and must mature within 180 days.
- 8) Public funds in investment pools managed, operated and administered by a bank or created under Section 17 of the State Treasurers Act such as Illinois Public Treasurer's Pool (IPTP) and the Illinois District Liquid Asset Fund Plus (IPDLAF+).

Collateral Requirement: In order to maximize the security of invested public funds, collateralization is required for any investment described in Item 2) above where the amount invested exceeds the federal insurance guaranteed on such an investment. Collateralization is to be issued in the District's name in an amount equal to at least 110% of the value of the investment being

secured. The pledged collateral is to be held by the (1) District; (2) third party for safekeeping; or (3) an escrow agency.

\*Board approved 7/24/2012

#### **7.10 DEPOSIT OF FUNDS**

The District shall designate a bank, or banks, or other financial depository institution in which funds of the District may be deposited.

Designated depositories must furnish copies of at least two (2) annual statements of condition and financial reports required by the Division Director of Financial Institutions or the Comptroller of Currency to the District. In addition, all depository institutions are to be insured by the Federal Depository Insurance Corporation.

It will be at the discretion of the Division Director of Finance with the approval of the Director to determine which institutions would best serve the District. A periodic review and establishment of an approved list of institutions to be utilized shall be made by the Board's Administration and Finance Committee and reported to the Board.

#### **7.11 PETTY CASH**

Funds for the procurement of supplies and services, which by their nature require cash payment (less than \$50.00) and are incidental in nature, or that require a cash payment (i.e., second hand items) may be paid from petty cash funds exclusively and solely maintained by the District's Business Department. All petty cash disbursements are charged to the appropriate expense account and receipts are attached to the petty cash reimbursement voucher signed by the recipient of the petty cash retained by the Business Department. Upon approval of appropriate receipts and allocation of expenses, a reimbursement check will be prepared and issued to maintain petty cash funds. Petty cash accounts are accounted and reconciled monthly and audited annually.

#### **7.12 MONTHLY FINANCIAL REPORTS**

On a monthly basis, staff will provide the Board with a summarized profit and loss statement comparing current monthly and year-to-date totals to prior years monthly and year-to-date totals. Additionally, the total annual budget amount for all revenue and expense accounts will be shown with an anticipated monthly budget amount reflected. This report will be presented in summarized fashion with department level account detail.

On a quarterly basis, the same financial information will be provided except in a summarized fashion with class level detail.

Department level detail summarizes all revenue and expense items as separate items with one total for each department. The class level report provides greater detail by itemizing all revenues and expenses into subcategories (i.e. payroll, supplies, etc.)

### 7.13 **PURCHASE REQUISITION SYSTEM**

The following personnel will have the authority to purchase:

- Director
- Division Directors
- Managers, Foremen
- Designated Employees\*

\* This is defined as a staff member who has been given authority in writing by any of the above level personnel. The document for such authority should be submitted to and on file with the Manager, Division Director and the Accounting Department.

The designated employee, though, only has the authority to make a purchase after he/she has obtained the written approval of at least one of the upper lines of authority; i.e. a manager, supervisor, etc. In other words, the designated employee does not have an ongoing blanket authorization to make purchases without the upper level approvals.

All purchases (except petty cash as noted above) must be approved in advance by using the District's electronic purchase order (PO) system. The PO requisition must include the vendor, the account number under which the expenditure is budgeted and the item, quantity and cost of the item for purchase as well as a description of the purchase.

Based on the total dollar amount of the PO, the following progressive level of approval is required.

Manager	\$1 (up to \$500)
Division Director	\$500 – (up to 2,500)
Finance Director	\$2,500 (up to \$7,500)
Executive Director	\$7,500 (up to \$20,000)
Board of Commissioners	\$20,000 and above

A division director may further limit a manager's authority, and the executive director may further limit a division director's authority.

Any unbudgeted expenditures also require the Director's approval.

All purchases for less than \$50.00 or with approval of the Director of Finance may be made by petty cash. All other purchases for any dollar amount require an approved purchase order.

Any purchase orders for construction within the District require that the authorized purchaser issue a hard copy of the purchase order to the vendor which includes the Prevailing Wage Act verbiage automatically printed on the purchase order.

All budgeted purchases over \$1,000 but less than \$5,000 require at least three (3) competitive quotes whenever possible. All purchases over \$5,000 but less than \$20,000 require three (3) competitive written quotes whenever possible or may still be bid if in the best interest of the District.

All quote information must be included as a comment on the purchase order and written quotes must be submitted to the business office.

Additionally in lieu of quotes or bids for purchases up to \$20,000, the District may utilize the official state issued bid program or may utilize District approved joint purchasing programs.

#### **7.14 LEGAL BIDDING PROCEDURES**

Purchase of goods or services estimated to exceed \$20,000 in value shall follow these legal bidding procedures and/or requirements as provided by law; whichever are more restrictive:

1. A legal advertisement shall be placed in a local newspaper at least ten (10) days before opening, which will bring notice of the District's request for bids to those organizations best qualified to provide the needed goods or services.
2. Specifications shall be prepared and made available to all interested parties.
3. Copies of specifications should be sent to qualified sources outside the circulation area of the local newspaper; to ensure fair bidding and increase opportunities for lower bids.
4. Instructions to Bidders shall accompany each set of specifications issued, indicating all terms and conditions relative to the bid.
5. Instructions to Bidders for construction projects shall include all requirements including Business References, Bid Surety and Performance Bond, Insurance, Indemnification, Protection of District Property, Compliance with Labor Standards and Prevailing Wage Laws, Subcontract, Change Orders, Payment Procedures and Guarantees.



The nature of construction projects necessitates more clearly defined conditions.

Following the issuance of Specifications and Instructions to Bidders, bids have to be received prior to the time and date specified for return. They will be opened publicly and contracts awarded in conformity with Section 5, of the Public Contracts provisions of the Criminal Code of Illinois 720 ILCS 5/33E-5.

#### **7.15      NOTIFICATION TO BIDDERS**

Following acceptance of a specific bid or bids by the Board, timely notification of the action shall be made in writing to all bidders.

#### **7.16      RE-BIDDING**

In the event all bids are rejected by the Board, the project may be re-bid following "Bidding Procedures", however, specifications shall be sufficiently altered to prevent the use of information obtained from the former bid process to unfair advantage in the re-bid process.

#### **7.17      CONTRACTS**

The District shall award and enter into contractual arrangements with vendors primarily for completion of construction projects. Procurement of goods and/or services for non-construction projects may require contracts if it is determined to be in the best interest of the District.

#### **7.18      BID BONDS**

The District may require as a bid surety a certified check or bid bond equal to ten percent (10%) of the contract as a proposal guarantee in conformity with Section 7.14-15, Legal Bidding Procedures. Such requirement shall be made on construction projects and other bidding procedures where it is determined to be in the best interest of the District.

Bid sureties shall be returned to the bidders within ten (10) days following the acceptance or rejection of bids by the Board. However, the bid surety of the successful bidder shall be returned only after receipt of an acceptable Performance and Payment Bond.

#### **7.19      PERFORMANCE AND LABOR PAYMENT BONDS**

The successful bidder shall furnish a Performance Bond in an amount equal to one hundred percent (100%) of the contract awarded and payment of all obligations thereunder. Bond form shall be A1A-311 or equivalent acceptable to the District. 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.

## **7.20 PAYROLL / PERSONNEL**

### **Bi-Weekly Payroll:**

- All non-exempt employees with access to a computer at the start and end of their shift shall utilize their District issued photo identification card to “swipe” in and out of Fin-trac choosing the correct job code and pay rate to record their hours worked.
- Corrections for any “swipes” or missed “swipes” will be made and approved by their supervisor and submitted along with the approved Fin-trac time records to the business office by twelve o’clock-noon the Monday of the payroll week.
- Employees without access to a computer for the time management of Fin-trac will utilize handwritten time sheets or time cards as appropriate.
- Time sheets/cards must be handed in every two weeks.
- Time sheets/cards are due to the Payroll Department by twelve o’clock-noon of payday week.
- Each employee should fill out and/or review his/her own time sheet/card and then sign it or sign his/her time card.
- Each time sheet/card should be reviewed and approved by each area's manager and noted with his/her initials.

### **New Hires or Re-Hires from Previous Year Should Complete:**

- Employment application, filled out and signed;
- Status Form;
- W-4 Federal & ILL W-2 Withholding forms, filled out completely, dated and signed;
- I-9 Verification Form with a copy of appropriate identification;
- Criminal History Background Check Authorization;
- Work permits for anyone under the age of 16;
- All of the above to be reviewed by area managers or supervisor.
- For full-time employees: **BEFORE** a position is offered to an individual for full-time employment, the salary amount, any special arrangements, starting date, etc. should be presented to the Division Director for approval. After obtaining approval, only then can the position be offered to the individual.

Any re-hire that has not been active in the District for one year or more must complete new paperwork for re-hire.

All paperwork is to be submitted to the Human Resource Department before a person starts a position. The Human Resource Department will return a copy of the status sheet to the new hire's supervisor via electronic mail as final authorization for hiring. The employee orientation checklist must then be completed and returned to the Human Resource Manager within ten working days of hire.

Personnel Status Forms Should Be Submitted For:

- New Hires
- Change of Department (or account number)
- Change of Wage Rate
- Terminations (all). (This includes part-time positions that are only hired for a specific amount of time.)

They should contain:

- 1) Employee Name
- 2) Department and position status
- 3) Effective Date of Action
- 4) Employee ID Number
- 5) Account Number(s) to be charged or removed
- 6) Position held
- 7) Proper approvals:
  - Full-Time: Manager, Division Head and  
Executive Director (for Division Directors)
  - Part-Time: Manager, Division Head

Electronic copies of these forms should be utilized and submitted whenever possible.

Requested Time Off:

All requests for time off should be done utilizing the Outlook calendar as a scheduled appointment and inviting the immediate supervisor, the HR Manager, and the Payroll Clerk as attendees. Approval for the time off will be authorized upon acceptance of those individuals. This will then be recorded in the permanent District record by the HR Manager.

These requests are for approval of any and all time off from the District, whether paid or unpaid.

## **7.21 STATE AND FEDERAL WITHHOLDING TAXES**

The collection of State and Federal income taxes levied against employees' earnings by the District is authorized and stipulated by both State and Federal law. Method of collection is the withholding or deduction of the amount of the

respective tax from wage payments to employees. Funds withheld for State income tax purposes shall be forwarded to the Department of Revenue, State of Illinois, as required by law.

Federal income tax withheld shall be deposited with a bank or banks designated as Federal Depositories as required by law. Quarterly Return of Withheld Federal Income Tax shall be filed as required by law.

Employee contributions to Federal Social Security/Medicare and Illinois Municipal Retirement Fund shall be withheld from wages paid and deposited with the appropriate agencies as directed by the respective agency's directories.

## **7.22 VOLUNTARY PAYROLL WITHHOLDINGS**

Voluntary payroll withholdings will be made for employees after written authorization from the employee is given to the Human Resource Department (may be done by selecting "other" on status sheet and providing explanation). Examples of voluntary payroll withholding include:

- Credit Union
- Dependent Medical Coverage
- Deferred Compensation
- Voluntary Life Insurance (PDRMA or IMRF)
- AFLAC Elections

## **7.23 INDEPENDENT CONTRACTS**

An agreement between independent contractors performing programming shall be executed detailing duration of contracts and financial compensation (stated by percentage). The independent contractor must additionally provide a signed W-9 form, as well as a certificate of insurance if required by the District. The independent contractor agreement is to be approved by the program manager and the Division Director of Finance. All independent contractors must also successfully pass the state required criminal background check.

## **7.24 VOLUNTEER WORKER POLICY**

Services and tasks, which are desirable and of benefit to the District may be performed, from time to time, by Homeowners Groups, Service Clubs, Scouts or other interested parties not in the employment of the District. Such groups shall be encouraged to continue to perform such tasks with assistance of and under the direct supervision of District personnel. For safety reasons, volunteers shall be prohibited from operating District motor vehicles or power equipment. In addition, volunteers may be required to execute a waiver of liability before performing any services or tasks for the District.

## **7.25 FIXED ASSETS LEDGER**

Assets of a long-term character in excess of five thousand dollars (\$5,000) in purchase value and which are intended to continue to be held or used, such as land, buildings, machinery, and equipment, shall be recorded at acquisition value on a ledger. The ledger shall include a description of the item, serial or identification number, date acquired, vendor name and address, purchase order number, and other information, which may aid in the description of valuation of the item. A notation shall be made on the ledger of the date, amount received and other specific details when such assets are sold or scrapped.

## **7.26 BUDGET PHILOSOPHY AND GUIDELINES**

In the preparation of the annual fiscal budget, management will consciously work toward satisfying and fulfilling both the short-term and long-range objectives and goals formulated by management and approved by the Board.

Whenever feasible and practical, the budget process shall be decentralized in which front-line managers will formulate the preliminary drafts of their department budgets. The drafts will be reviewed by the appropriate division heads, Division Director of Finance and 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.

## **7.27 WIRE TRANSFERS**

Wire Transfers can be made as authorized by the Division Director of Finance to facilitate quick deposits of funds into an account or to move funds from one institution to another in lieu of a check. Only transfers into accounts in the name or for the beneficiary of the District may be made.

Wire Transfers may be made to expedite the movement of funds, to avoid penalties, late charges, and overdrafts, and to maximize interest on excess funds.

Specific transfers currently allowed are:

- Net Payroll (bi-weekly)
- Credit Union Savings and Loan Withholdings
- Payroll Tax Withholdings
- Excess Cash Investments
- Social Security Deposits
- Medicare Deposits
- Bond Principal and Interest Payments
- Employee Investment Plans
- IMRF Payments

## **7.28     ANNUAL EXTERNALLY CONDUCTED AUDITS**

At least once annually an audit of the financial records of the entire District is to be conducted by an accredited Certified Public Accounting firm. The examination is to be made in accordance with generally accepted auditing standards and include such tests of accounting records and other auditing procedures as the firm deems necessary to formulate an "Opinion" in accordance with General Accepted Accounting Principals.

It is solely at the Board's discretion to hire, retain, or dismiss a particular firm. Except as otherwise provided by law, it is also the Board's prerogative to determine the scope of the examination.

Currently the scope of an audit includes:

- Governmental Fund Types
- General and Recreation
- Special Revenue
- Debt Service
- Capital Projects
- Proprietary Fund Type
- Enterprise
- Fiduciary Fund Types
- Trust and Agency
- Account Groups
  - General Fixed Assets
  - General Long-term Debt

The examination will be directed toward an expression of an opinion on the District's combined financial statements, however, it is not designated nor can be relied upon to disclose defalcations or similar irregularities should any exist. The firm will notify the Board, however, if any such matters are disclosed or come to the firm's attention during the examination.

The firm will prepare the District's annual financial report for Cook County Controller and any single audit acts as required for state or federal compliance.

At the District's request, the firm will render advice or recommendations on accounting and other matters.

The firm will furnish the Board and management with a "Management Letter", reporting on specific deficiencies found in the organization's internal control system.

Special Audits can be conducted at the request of the Board.

**7.29      BOND RATING**

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

The Director of Finance shall prepare and answer any such interviews for the bond rating agencies to maintain the District's bond rating.

**7.30      ECONOMIES OF RESOURCES**

The Park District is dedicated to using all available resources to the best advantage of its residents and taxpayers. Methods to economize those resources will include participating in local, state and national joint purchasing; strict adherence to established purchasing policies, and competitive bidding.

**7.31      PREVAILING WAGE ACT**

The Park District shall comply with the state requirements of the Prevailing Wage Act, 820 ILCS 130, et seq. requiring, but not limited to, the District adopting the prevailing wage ordinance in the month of June and filing it with the Secretary of State in Springfield. Additionally, within 30 days the District must publish notice of the wage determination in a newspaper of general circulation and file the certificate of publication with the Secretary of State.

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## **8.0 REVENUE POLICY**

### **8.1 STATEMENT OF PHILOSOPHY**

The mission of the District is to enable our residents and guests to enjoy quality parks, facilities, recreation programs and leisure services. The basic recreation and leisure service philosophy is to offer year-round, diversified programs and experiences ensuring all individuals equal opportunity and participation. To do so it is necessary to supplement the tax dollars the District receives through a system of fees and charges. This policy establishes a method of setting program, membership and facility use fees. This policy does not cover contractual agreements such as easements, leases, co-sponsored organizations, etc.).

### **8.2 PRICING STRATEGIES**

The following pricing strategies are used when computing fees and charges for the District:

#### **A. Basic Services (Tax Supported)**

Public funds are used to provide basic parks and recreation services at no charge. These include the acquisition, planning, and development of lands, improvement to property, administration, and maintenance operations as well as other basic services for the public at large. There is no charge to the public for basic services.

#### **B. Partial Costs**

Public funds are used to partially subsidize community wide events, programs for age groups difficult to serve and certain programs or services when the program or service cannot be self-supporting yet it is in the District's best interest to offer it.

#### **C. All Costs (Direct and Indirect Costs)**

When activities and services are provided for the exclusive benefit of only those individuals who choose to participate, fees charged should cover all costs associated with providing the activity or service. This pricing strategy seeks to recover not only the direct costs, which include instructor wages and benefits, supplies, rental of outside facilities, transportation rental and trip tickets, but also the indirect costs associated with providing programs, parks, facilities and services. These indirect costs include: administration, maintenance, and other costs associated with owning and operating motor vehicles, equipment and facilities including utilities, custodial, supervisory and general staff expense. In implementing this strategy, direct costs are first calculated. Then an additional percentage to cover indirect costs is added to the fee. This additional percentage is an average based on calculating the indirect costs outlined above.

D. Revenue-Producing Activities

Certain activities and services such as concessions and revenue facilities are operated to generate revenue in excess of all costs. These activities and services are provided for the exclusive benefit of those individuals who participate in the activities and/or services provided. This revenue is used to subsidize other areas of District operations. Pricing is based on the percentage of net the District expects and the value of the service in the marketplace.

**8.3      FEE STRUCTURES**

The District's operations are assigned one of the following fee categories:

A. Basic Services

- Park use
- use of playgrounds, paths, fishing lakes
- outdoor ice skating
- affiliate group meetings
- park use (which requires no direct expenses)
- Intergovernmental Agreements
- Splash pads

B. Partial Costs

- community wide special events
- senior programs
- teen programs
- skate parks
- co-sponsored activities
- new programs
- park use
- concessions

C. All Costs:

- general programs
- contractual programs
- Seascape fees
- athletic leagues
- community signs
- room rentals
- new programs
- athletic field use
- facility rentals
- memberships
- park use
- off leash parks

D. Revenue Producing

- Bridges of Poplar Creek Country Club operations
- Prairie Stone Sports & Wellness Center operations
- Ice Arena operations

E. Special Services

- Provide direct benefits to limited groups of users, and may provide some indirect benefits to the district and the general public.
- Significant identifiable costs are incurred to provide the direct benefits to the users.

F. Market Conditions

- Full cost recovery may not be feasible if the resulting price unduly diminishes user interest in the service or facility. This condition may, however, suggest the need to re-analyze demand for the service or facility.

G. Administrative Services

- Making copies of documents, blueprints and aerial photographs for individuals, contractors and other organizations should be funded through fees and charges designed to recover the cost of labor, overhead and materials necessary to provide the service. When copies are requested through the Illinois Freedom of Information Act, fees may be charged which are calculated to reasonably reimburse for actual costs of reproduction. These fees however, cannot include any of the cost of searching for the requested records. Documents shall be furnished without charge or at a reduced fee when the waiver or reduction of fees “is in the public interest” or as defined by the Illinois Freedom of Information Act.

H. Government Services

- Fees may be waived or bartered for governmental entities which provide reciprocating services.

I. All fees are established by the Director who also has the authority to waive or lower any fees when he/she deems it in the best interest of the District.

## **8.4 ESTABLISHING FEES: SPECIAL SITUATIONS AND GROUPS**

A. Senior Citizens

Discounted rates may be established for use of District facilities by persons aged 62 and older on a facility-by-facility basis. Age and discount may vary on a program-by-program basis.

B. Children

Discounted rates may be established for use of District facilities by children aged 17 and under. Children aged 3 and under are not charged an admission.

C. Non-Residents

Non-residents are defined as individuals who do not live within the boundaries of the Park District. Since non-residents pay no taxes to help support District operations, it is reasonable and equitable to charge higher fees to non-residents. Non-resident fees are established based on the District's need to supplement program and facility use.

D. Financial Hardship

Assistance in the form of a complete or partial fee waiver shall be provided to District residents who show financial need as documented in the confidential Grant-In-Aid application. Each family will be assigned a percentage of assistance: 25%, 50%, 75% or 100%. The maximum amount of financial assistance that the Park District will subsidize per year is \$1,500 per family regardless of size. If sufficient funding is available, no restrictions shall be placed on the type of program and will be evaluated on an individual basis. Additional financial assistance programs may be established from time to time to address pressing societal/community needs due to any one of a number of factors, i.e., unemployment.

In the event sufficient outside funding is not secured to meet the demand for financial assistance, the Park District will provide funding required for financial assistance based on the following guidelines: Fee waivers may be limited to general recreation programs. Trips, memberships other than Seascape Family Aquatic Center, and contractual programs may be determined ineligible.

E. Not for Profit Organizations

Discount rates for Not for Profit Organizations, such as churches, girl scouts, or civic groups, may be established which are equal to or less than resident rates. Discount rates may vary on a facility-by-facility basis.

F. Proprietary or Commercial Groups

Proprietary or commercial groups using park facilities for financial gain or profit are charged additional fees for the privilege of conducting their business on park property.

#### G. Corporate Residents

The District cooperates with local businesses to offer programs and services to their employees. This cooperation extends to setting discounted rates for certain programs and memberships.

Businesses owners located within the district boundaries that pay taxes to help support district operations are considered to be district residents.

### 8.5 **SATISFACTION GUARANTEE**

The satisfaction guarantee is based on keeping the District's promise to provide quality parks, recreation programs and leisure services. If participants are not satisfied with the recreational program, event or activity the District provides due to:

- the quality of instruction,
- the child's inability to adapt emotionally to the class,
- or the skill level is not appropriate for the participant

The district will arrange for participants to:

- repeat the class at no charge,
- receive full credit that can be applied to any other program,
- or receive a refund

Satisfaction guarantee requests can be made in person, by calling, writing, or emailing the district. Memberships and league fees are pro-rated.

- A processing fee will be charged for all refund requests.
- No refunds are offered after the first class unless the request falls within the Satisfaction Guarantee Policy as redefined or there is a medical reason with a doctor's note.
- Medical reason refunds be prorated accordingly.
- All Satisfaction Guarantee refunds be 100% and without processing fees.

### 8.6 **GRANTS, GIFTS, DONATIONS AND BEQUESTS**

The District may accept grants, gifts, service-in-kind, bequests, or donations to the District for the purposes of acquisition of park land, planning, development, maintenance, operations, and administration of parks and recreation facilities and programs. The Board authorizes the Director to accept on behalf of the District non-governmental grants, service-in-kind, and gifts, donations, or bequests of cash or personal property valued at \$25,000 or less, provided the solicitation, acceptance and use of these revenues and/or gifts are consistent with state law and local ordinances and are in the best interest of Park District residents. Gifts, grants, service-in-kind, donations, or bequests valued at more than \$25,000 must have Board's approval. Any gift or bequest of real estate and all governmental grants may be accepted only by the Board.

All gifts, bequests, and donations of personal property or real estate and all grants shall be held, used, or disposed in accordance with the terms and conditions under which the gift, bequest, donation, or grant is made and accepted in accordance with state law of Park District Code. The Director and/or the Board may reject any gift, bequest, or service-in-kind for just cause.

## **8.7 ALTERNATIVE REVENUE**

The Hoffman Estates Park District seeks to generate income through advertising and sponsorship. The park district is open to all sponsorship, affiliate, associate, partner, or advertising considerations provided that all terms are in writing. The park district reserves the right to decline sponsors, affiliates, associates, partners and advertisers whose business it is to promote politics or sex in any facility. Additionally, the park district reserves the right to decline sponsors, affiliates, partners and advertisers whose business it is to promote alcohol, fire-arms, nicotine or gambling. The Hoffman Estates Park District will only accept sponsorship proposals that support or reinforce its business objectives, and reserves the right to refuse advertising and/or sponsorship opportunities for any reason.

The Hoffman Estates Park District will accept advertising and sponsorships within publications and inside agreed-upon facilities as a way to promote outside businesses, firms and/or organizations. The park district will use the following definitions when considering an organization's park district involvement:

**Advertising:** The straight exchange of cash and/or in-kind fees paid for the purpose of promoting another's business within the park district. It includes the use of any organization's corporate symbol and/or tagline or product graphic with contact information about that entity. Advertising rates shall be approved by the Executive Director. Advertising agreements greater than \$25,000 shall be board approved.

**Sponsorship:** A sponsorship is the cash and/or in-kind paid to the park district by businesses or organizations in exchange for access to the exploitable assets of a park district facility, event, program, or activity. Sponsorships shall be researched, developed, procured and packaged to leverage Hoffman Estates Park District properties and events to their fullest market advantage. All corporate sponsorships less than \$25,000 shall be approved by the Executive Director. Sponsors will receive recognition value through the park district's identification of that organization, business or firm as a sponsor of events, programs, or facilities. Use of an organization's corporate symbol and/or tagline or product graphic with contact information is included.

**Affiliate:** A non-profit organization within the park district boundaries whose purpose is to provide recreational service consistent with the mission of Hoffman Estates Park District but controlled by a separate governing board. An affiliate is

endorsed by the park district as a group that provides related programming or services. An affiliate group can receive special park district-related services provided that there is an exchange of cash, goods or in-kind services.

Partner: Any organization, business or firm that partners with the Hoffman Estates Park District in a long-term (three-year minimum) agreement established in a formal contract that goes beyond an organization's core business to accomplish a shared community goal. An agreement involving a financial or service exchange and provides mutual benefit must also take place. Additional park district services can be provided and would be outlined within the terms of a formal contract.

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#### **9.06      Patron Policy**

#### **9.07      Enforcement**



## **9.0 USE OF PARKS.**

### **9.1 DEFINITIONS.**

For purposes of this chapter, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

**"Bathhouse"** means that building and related area around a swimming pool which is used to collect admission fees and change clothes prior to entering in the water.

**"Board"** means the Board of Park Commissioners of the Hoffman Estates Park District.

**"Commercial Solicitation"** means any one or more of the following activities, not done for charitable purposes, by a person on District Property:

1. The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff or services of any kind, character or description, for any kind of consideration whatever.
2. The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type, kind or character.
3. The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any type kind of publication.

**"Community Recreation Center"** means those buildings which have been constructed for the purpose of conducting supervised recreation activity or which are rented to organizations for their use to conduct programs.

**"Director"** means the Executive Director of the Hoffman Estates Park District, the chief administrator of the District, designated by the Board to administer the policies established or approved by the Board.

**"District"** means the Hoffman Estates Park District, Cook County, Illinois.

**"District Property"** means all the property, real and personal, of every kind and description located within the jurisdiction of, or owned, leased or licensed by, or otherwise in the possession or under the control of the District, including without limitation, all waters within the jurisdiction of the District.

**"Division Director"** means the person immediately in charge of a given division and its activities and to whom all employees of such division are directly responsible.

**"ILCS"** means Illinois Compiled Statutes.

**"Motor Vehicle"** means any land conveyance, whether motor powered or self-propelled including, without limitation, any tractor in tow of any size, kind or description, except baby carriages, bicycles when properly used on walks, and motor vehicles in the service of the District.

**"Motorized Scooter"** means a motor driven cycle or motorized pedal cycle as described in the Illinois Vehicle Code 625 ILCS 5/1-145.001 and –148.2; Is capable of being propelled by any other means than solely by gravity or non-mechanized human effort.

**"Parade"** means any march or other organized movement of persons from place to place, or about a place.

**"Pedestrian"** means any person afoot, including a person with a physical, hearing or visual disability.

**"Permit"** means the written authorization issued by or under the authority of the District to a person or persons to do or engage in a particular act or acts on District property, subject to the terms and conditions specified in the permit.

**"Person"** means every natural person and every firm, partnership, association, corporation or entity of any kind or any employee, agent, or officer thereof except the District and any authorized officer, employee (full or part-time, regular or temporary) or agent of the District when acting within the scope of his authority.

**"Pool Area"** means that portion of the swimming pool area enclosed inside chain link fencing, exclusive of the Bathhouse.

**"Sidewalk"** means the portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines, intended for the use of pedestrians.

**"Street or Pathway"** means the entire width between the boundary lines of every park district way maintained, when any part thereof is open to the use of the public for purpose of vehicular or pedestrian travel

**"Work Permit"** means the written authorization issued by or under the authority of the District to a person or persons to do or engage in work on District property, subject to the terms and conditions specified in the work permit.

**"Smoking"** means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, e-cigarette, pipe, weed, hookah, or other lighted tobacco product in any manner or in any form.

**"Religious solicitation" or "charitable solicitation"** means the request by a

person on District Property directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious or charitable purpose. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose as herein defined.

1. Any oral or written request.
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication.
3. The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the village, which the public is requested to patronize or to which the public requested to make a contribution for any religious or charitable purpose connected therewith.
4. The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose, or where the name of any religious or charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

## **9.2 CONSTRUCTION, SCOPE AND SEVERABILITY.**

### **9.2.1 CONSTRUCTION.**

In the interpretation of this Ordinance, its provisions shall be construed as follows:

- a. Where the context permits, words in the masculine gender shall include the feminine and neuter genders and words in the singular number shall include the plural number;
- b. The word "shall" is always mandatory and not merely directory;
- c. No provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent (including any police officer) of the District when acting within the scope of his/her authority or in his/her line of duty or work as such or any other Person summoned by any such Person to assist him in such endeavor;

- d. This Ordinance is in addition to and supplemental to all applicable state, federal and local laws and ordinances including without limitation "The Park District Code" (70 ILCS 1205, *et seq.*). The meaning of any terms, phrase or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase or word is otherwise defined, construed or interpreted in such applicable local, state and/or federal law or ordinance;
- e. The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning or construction, nor be used in the interpretation, of any of the provisions of this Ordinance;
- f. An attempt to commit an act or engage in an activity prohibited shall be treated in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties.

#### **9.2.2. SCOPE.**

This Ordinance shall apply to and be enforceable within and upon all District property, and shall regulate the use thereof by all persons.

#### **9.2.3. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance be held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The District reserves the power to amend or repeal this Ordinance at any time; and all rights, privileges and immunities conferred by this chapter or by acts done pursuant hereto shall exist subject to such power.

#### **9.2.4 REPEAL.**

All ordinances, resolutions and rules of the District in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

### **9.3 GENERAL RULES.**

#### **9.3.1 VIOLATION OF STATE OR FEDERAL LAWS.**

No person shall commit a violation of local, state or federal laws or regulations while on District property.

#### **9.3.2 PARK HOURS.**

- a. **Hours.**  
All parks will close at sunset except for lighted facilities. Lights will be turned off at 10:00 p.m. and the lighted facility park will close at 10:30 p.m. Lighted facilities do not include security lights.
- b. **Special Closings.**  
The Board or the Director may close the District property or any parts thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and entirely or merely for certain uses, as deemed reasonably necessary and in the best interest of the District.

### 9.3.3 RESTRICTED AREAS.

- a. **Entering Prohibited Areas.**  
No person shall enter upon any portion of the District property where persons are prohibited from going by direction of the Director, as indicated by sign or notice.
- b. **Entering Unfinished Areas.**  
No person except as authorized by the District shall enter upon any part of the District property which is in an unfinished state or under construction.
- c. **Entering Building or Areas Closed to Public or Scheduled for Specific Group or Activity.**  
No person shall enter any building or area of District property when it is closed to the public. No person shall enter any building or area in the District which is reserved or scheduled for a specific group or activity, unless such person is invited by the individual, group, or agency responsible for such activity and, if applicable, such person has paid all appropriate admission and/or permit fees.
- d. **Use of Rest Rooms and Comfort Stations.**  
No person over the age of four years shall use the restrooms designated for the opposite sex. No person four years old or younger shall use any restroom unless accompanied by a person over the age of eighteen.
- e. **Playgrounds Designated for Persons under Certain Ages.**  
Where the district has posted age group restrictions for the use of playground equipment, no person older than the posted age shall use the playground equipment.

### 9.3.4 INTERFERENCE WITH OTHER USERS.

No person shall walk, act or conduct himself/herself upon any portion of District property designated for a particular game, sport, event, or amusement in such a way as to interfere with the use of such portion by

other persons who are properly using the same for the particular sport, event, game or amusement for which it has been designated nor shall any person unreasonably disturb or interfere with any person occupying any area or participating in any activity under the authority of a permit. No person shall limit or block access to District property. No person shall engage in any activity on District property in a manner calculated or likely to endanger, injure, or damage persons or property in any way.

### **9.3.5 INJURY TO OR DESTRUCTION OF PARK PROPERTY.**

Unless authorized by a District contract or other District authorization, no person shall in or on District property:

- a. destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth or growing thing including but not limited to any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit, or leaf thereof; or bring into or have in his/her possession in or on District property any tool or instrument intended to be used for the cutting thereof, or any garden or agricultural implements or tools which could be used for the removal thereof;
- b. set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into District property;
- c. go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;
- d. cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture, bridge, or other structure or property contained therein;
- e. operate or drive any motor car, automobile or vehicle of any kind in or on District property in places other than roadways or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property or appurtenance of any kind;
- f. fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in the District;
- g. allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;
- h. fasten any bicycle, motor cycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot;
- i. deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol in or on District property;

- j. mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate or otherwise remove, or attach or suspend any rope, wire or other material or contrivance to or from any District property;
- k. climb upon, hang from or stand or sit on, any plant, fence, structure or other District property of any kind except such benches or other property designed or customarily used for such purposes, or recreational equipment as may be installed by the District for such purposes;
- l. bring any plant or portion of a plant onto District property; or
- m. fail to maintain District property in a neat and sanitary condition.

#### **9.3.6 HINDERING OR SOLICITING OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS.**

No person shall interfere with, or in any manner hinder any officer, agent, employee or contractor of the District while engaged in constructing, repairing or caring for any District property; nor shall any person solicit any officer, agent, employee or contractor of the District while such person is on duty.

#### **9.3.7 ALCOHOLIC BEVERAGES.**

No alcoholic beverages shall be sold, brought within, given away, delivered or consumed on District property, except pursuant to permits as provided in this chapter, Section 9.4.3p or otherwise authorized by the District.

#### **9.3.8 WEAPONS, FIREWORKS, EXPLOSIVES, ROCKETS.**

The District maintains a zero-tolerance, weapon-free workplace policy. No employee is authorized to possess a firearm or weapon on any District property, or while engaged in District business, except as permitted by, and in strict accordance with, applicable state law. A violation of this policy may result in immediate termination.

Employees are prohibited from displaying, brandishing, discharging or otherwise using any and all weapons, including concealed firearms, within the workplace, during work functions, or while engaged in any business on behalf of the agency. Making threats, engaging in acts of violence, or bullying, especially if a weapon is involved, will not be tolerated and may result in immediate discharge.

No person shall at any time bring on to, carry, have in his possession or on or about his person, concealed or otherwise or use, fire, set off or otherwise cause to explode, discharge or burn, or throw onto District property any knife, bow and arrow, slingshot, blackjack, Billy club, any

weapon capable of discharging a projectile by air, spirit gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, liquid or gaseous substance or any other dangerous weapon.

a. Illinois Firearm Concealed Carry Act

- 1.) No individual shall at any time engage in conduct that violates the Illinois Firearm Concealed Carry Act while on District property.
- 2.) Even with a license, carrying a concealed firearm is prohibited in the following locations that are owned, operated, or controlled by the District:
  - Any building or portion of a building;
  - Any public playground;
  - Any public park, athletic area, or athletic facility, except for trails and bikeways, if only a portion of the trail or bikeway includes a public park *and* the licensee is merely passing-through while remaining on the trail;
  - Any public gathering or special event that is open to the public that requires the issuance of a permit from a unit of local government, except where a licensee must walk through a public gathering in order to access his or her residence, place of business, or vehicle; and,
  - Pre-school and child care facilities.
- 3.) Even in a prohibited area, concealed carry is permitted by a licensee in the parking lot, subject to certain conditions. An *unloaded* firearm may be possessed in the parking area – provided the firearm is stored out of plain view (i.e. in a glove compartment, console, trunk, carrying-box, etc.) and separated from its ammunition. A licensee can also carry an *unloaded* firearm in the immediate area surrounding his/her vehicle for the sole purpose of storing / retrieving the firearm.
- 4.) The District will post 4”X6” signage approved by the Illinois State Police at the entrance of each prohibited area.

Approved 1/2014

### **9.3.9 PUBLIC INDECENCY.**

No person on District property shall commit an act of public indecency as defined in Illinois law, 720 ILCS 5/11-9.

### **9.3.10 DISORDERLY CONDUCT.**

No person on District property shall commit disorderly conduct as defined in Illinois law, 720 ILCS 5/26-1.



### **9.3.11 GAMBLING.**

No person on District property shall gamble as defined in Illinois law, 720 ILCS 5/21-1, *et seq.*, except that the Board, at its discretion, may permit gambling activities as authorized by Illinois statutes.

9.3.11 approved 4/2014

### **9.3.12 CONTROLLED SUBSTANCES.**

No persons on District property shall violate the "Illinois Controlled Substance Act," 720 ILCS 570/100, *et seq.*

### **9.3.13 BODILY HARM.**

No person on District property shall inflict bodily harm as defined in Illinois law, 720 ILCS 5/12-1, *et seq.*

### **9.3.14 ENTERING OR REMAINING IN WATERS.**

No person shall enter or remain in any waters of the District, except as herein provided:

#### **a. Pools.**

- (1)** No person shall enter the bathhouse or pool area without payment of the admission charge that is established by the District or without displaying proper season passes that are issued therefore.
- (2)** No person under nine (9) years of age shall be admitted to the pool area unless he or she is accompanied by a person legally possessing an adult pass (ages 18 years old and up) or an adult daily admission and demonstrating competency to assume full responsibility for the care and safety of the child.
- (3)** All persons are encouraged to take a shower before entering the pool area.
- (4)** Any person who refuses to obey pool rules or otherwise violates any other provision of this Ordinance may be barred by the Director or the Director's appointed representative from further use of the pool for the remainder of the pool season, in addition to the penalties set forth in this chapter.
- (5)** If any person shall refuse to obey any orders of lifeguards, attendants, managers or any agent of the District, the Director or the Director's appointed representative may

immediately terminate or suspend such person's rights to use the pool and other District property.

- (6) Admission to the pool shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the pool area.

**b. Water.**

- (1) No swimming, wading, water bathing, allowed in the lakes of the Park System, unless authorized by the Executive Director or Park Board. It shall be unlawful to use or operate a gasoline powered motor driven watercraft on any lagoon, pond or body of water owned or controlled by the Hoffman Estates Park District.
- (2) Allowable watercraft which may be used in Park District approved waterways shall be limited to "seaworthy" craft of the following solid types: canoes, rowboats, kayaks, stand up paddle boards, paddle boats and sailboats up to seventeen (17) feet in length. All other craft are "unseaworthy" and prohibited by this ordinance.
- (3) It shall be prohibited to use or operate any motor vehicle for launching purposes on any lagoon, pond or body of water owned or controlled by the Hoffman Estates Park District. All watercraft must be hand launched.
- (4) It shall be prohibited to use or operate any watercraft on a lagoon, pond or body of water owned or controlled by the Hoffman Estates District without first having registered such watercraft in the name of an adult with the Park district office at 1685 West Higgins Road, Hoffman Estates, Illinois. Such registration will be free of charge for Hoffman Estates Park District residents, and a registration number will be issued for the current season, being from January 1st to December 31st of each year. Non-resident fees shall be established by the Executive Director.
- (5) The Hoffman Estates Park District will not provide supervision at any lakes. Capsizing the boat, whether it is accidental or deliberate, will be considered an unsafe boating operation.
- (6) Boating shall only be allowed on lakes at Highpoint, South Ridge, Westbury and Chestnut during daylight hours unless

specifically authorized in writing by the Executive Director. Boats will not be left unattended or overnight.

- (7) **Personal Safety:** It shall be prohibited to use or operate watercraft on any lagoon, pond or body of water owned or controlled by the Hoffman Estates Park District unless under the direct supervision of an adult. All occupants must be wearing at all times a United States Coast Guard approved personal flotation device or fisherman's vest. Swimming, diving from, or horseplay on watercraft is hereby prohibited. Alcoholic beverages are prohibited pursuant to Section 9.3.7 of this Use of Parks Policy. The applicable rules and regulations of the federal and state government shall apply in the usage of watercraft on Park District property.
- (8) **Fishing:** Fishing is allowed in the Park System providing the participant has in his/her possession a valid Illinois Department of Natural Resources fishing license and follows all DNR Rules and Regulations pertaining to equipment, size of catch and creel limits.
- (9) **Ice Fishing:** Use of any lagoon, pond or body of water for ice fishing during winter season is prohibited.

9.3.16 Approved 9/2014

### 9.3.15 GAMES AND SPORTS.

No person shall engage in any athletic game or sports involving ten or more individuals in or on District property except such portions thereof as may be designed for that purpose by the District and then only under such rules and regulations as may be prescribed by the District. Groups of ten or more individuals who desire to engage in any athletic game or sport in or on District property shall apply to the Director or his designee for a written permit.

**a. Golf.**

No person shall play golf or practice golf on District property, except on an established and designated golf course, or in an established golf class under the supervision and direction of the District.

**b. Baseball and Softball Playing.**

- (1) On District property having established diamonds, participation in softball or baseball in areas other than established diamonds is limited in accordance with signs or notices posted.

- (2) On District property having established softball or baseball diamonds, the type of participation on said diamond shall be in accordance with posted signs and notice. Organized teams desiring to use softball or baseball diamonds for practices or games shall first apply to the Director or his designee for a written permit.

**c. Skating, Sledding and Snowmobiling.**

No person shall skate, sled, toboggan, snowmobile, ski, slide or engage in similar activities on District property except at such places and at such times as the District may designate for that purpose, and no person shall engage in such activity in a reckless manner or at a speed greater than is safe and proper under the circumstances.

**d. Bicycling.**

- (1) When two or more persons in a group are operating bicycles, they shall not ride abreast, but shall ride in single file.
- (2) No person shall cling or attached himself/herself or his/her bicycle to any other moving motor vehicle.
- (3) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all motor vehicles approaching on said roadway.
- (4) No person operating a bicycle shall carry another person on the same bicycle. This restriction does not apply to tandem bicycles.
- (5) No person may operate a bicycle on sidewalks except small children riding while under the supervision and control of an adult.
- (6) Bicycles shall not, at any time, in any place, be indiscriminately parked by anyone in such a manner as to actually or possibly interfere with pedestrians or traffic, or with persons getting into or out of automobiles. No person shall leave a bicycle lying on the ground or pavement or set against trees or otherwise in a place other than a bicycle rack when

such is provided and there is space available. No person shall move or in any manner interfere with, any bicycle which is properly parked, nor shall any person interfere with, or, in any manner, hinder any person from properly parking a bicycle.

- (7) All bicycles, when operated on roadways, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway or path.
- (8) No person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property.
- (9) Every person operating a bicycle within the District shall observe all traffic rules and regulations applicable to motor vehicles under this chapter, except those provisions of this chapter which by their nature can have no application and except as otherwise provided by this section.

#### **9.3.16 ANIMALS AND PETS.**

- a. No person shall chase, trap, wound, kill or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal in any park except for District operations. No person shall bring any animal, reptile or fowl in any park, except dogs and cats, which dog or cat shall at all times be on a leash and under control. Any unleashed animal (except in designated areas) found loose on park property may be apprehended and removed to an animal shelter, public pound or other place available for said purposes and impounded at the expense of the animal's owner. No person shall permit any pet in his/her custody to enter upon or remain upon any area of a park utilized as a non-turf area, including but not limited to baseball infields, volleyball courts, basketball courts and tennis courts, children's play area, playground, washroom facility, drinking fountain or as posted to prohibit pets. The person accompanying the dog or cat shall immediately clean up and remove any excrement of the dog or cat. Persons must, at all times, have in their immediate possession a device for the removal of the excrement and a depository for the transmission of the excrement to a receptacle located upon, owned or possessed by the person, or in park receptacles, provided the excrement is secured in a proper depository container such as a plastic bag. However, nothing in this ordinance

shall prohibit a “service” dog assisting a physically disabled or handicapped person from entering or remaining at any location in or on District property. “Service” dog shall mean any dog which has successfully completed commonly recognized training to assist physically disabled or handicapped persons. It is expected that sight-impaired individuals will make every effort to immediately clean up after their dog; however, the failure to do so shall not be deemed a violation of this ordinance, unless such sight-impaired individual is accompanied by a non-impaired person.

- b. Any animal found on District property in violation of this section may be apprehended, removed to an animal shelter, public pound or other place provided for that purpose pursuant to the laws or ordinances of the Villages of Hoffman Estates and Schaumburg and Unincorporated Cook County; all at the expense of the owner or person responsible for such animal.

#### **9.3.17 LOITERING SO AS TO OBSTRUCT PUBLIC WAYS AND PLACES.**

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others or on District property in such a manner as to:

- a. obstruct any driveway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of motor vehicles, traffic or pedestrians; or
- b. commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.

#### **9.3.18 DUMPING AND LITTERING.**

- a. No person shall litter, cast, throw, drop, place, lay or otherwise deposit, leave or scatter any placard, handbill, pamphlet, circular, book, notice or paper of any kind, or place, pile or otherwise dump, leave or deposit in any

manner any kind of dirt, rubbish, refuse, ashes, garbage, waste material, snow, ice, or other substance or material of any kind, whether liquid or solid, on, over, or in District property except as specifically permitted by the District. Nor shall any person spit upon or otherwise defile District property, except that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District property may and shall be deposited in receptacles provided by the District for that purpose. Where receptacles are not so provided, are missing or are full to capacity, all such garbage, refuse or other material shall be carried away from the area of use by the person or persons responsible for the presence of such material and properly disposed of elsewhere.

- b. Any person violating this section may be assessed the cost to the District of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for in this section.

#### **9.3.19 MOTOR VEHICLES.**

- a. **Unattended Motor Vehicles.**

No person shall leave a motor vehicle unattended in any parking area while the motor of such vehicle is running, or when standing upon a perceptible grade without effectively setting the brakes and turning the wheels of such motor vehicle toward the curb or the side of the parking area.

- b. **Exception for Emergency Motor Vehicles and Park District Motor Vehicles.**

The provisions of this section shall not be construed to relate to emergency, police or fire department motor vehicles or any motor vehicle owned by the District or a District employee displaying proper identification where the employee is duly authorized to operate such motor vehicle at such location.

- c. **Noise Created by Motor Vehicles.**

It shall be unlawful for any person to operate a motor vehicle which makes an unusually loud or unnecessary noise.

- d. **Repairs and Cleaning of Motor Vehicles.**

No person shall change any parts, change oil, repair, wash, grease, wax, polish or clean a motor vehicle on any parking area in or on District property except such repairing, cleaning or polishing as is necessary to insure good vision, or such emergency repairs as are necessary to remove such motor vehicle from the parking area.

- e. **Racing Prohibited.**  
It shall be unlawful to race or drive in excess of the posted speed or, in the absence of posting, fifteen (15) miles per hour on any roadway on District property. It shall be unlawful to race or drive any motor vehicle in any parking facility of the District at a speed in excess of that required to enter into a parking space in any such facility.
- f. **Negligent Driving.**  
No person shall drive or operate any motor vehicle on District property negligently, recklessly or without due caution, or in any other manner so as to endanger any person or property. All motor vehicles shall be driven or operated on the right side of any roadway open to travel, except when passing other motor vehicles.
- g. **Speeding.**  
No person shall drive or operate any motor vehicle on District property at a speed greater than fifteen (15) miles per hour, or greater than is reasonable and safe under the circumstances, whichever is less, having due regard for traffic conditions and the intended use of the roadway, or at a speed which endangers the safety of any person or property.
- h. **Traffic Signs.**  
No person shall fail to observe all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers and all other signs posted by the District for safeguarding life and property.
- i. **Right of Way.**  
Every driver of a motor vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection, and any pedestrian crossing at a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right of way to motor vehicles upon the roadway. However, every driver of a motor vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.
- j. **Driving Areas.**  
No motor vehicles shall be managed, controlled or operated upon District property except over and upon such roadways, parking lots or other areas designated or marked for use by motor driven vehicles.



**k. Commercial Motor Vehicles.**

All roadways on District property shall be used for pleasure driving only. No person, other than District employees, shall drive any truck, tractor or other commercial motor vehicle of any kind on District property without first obtaining a permit or contract therefore from the District.

**l. Owner Responsibility.**

It is unlawful for the owner or any other person employing or otherwise directing the driver of any motor vehicle, to request or knowingly permit operation of such motor vehicle upon a roadway on District property in any manner contrary to this Ordinance.

**m. Parking.**

- (1)** No person shall park any motor vehicle or allow any vehicle to remain parked in any area of District property beyond the normal closing hour of District property, except when a different closing hour has been designated by the District for that area or unless permission therefore has first been obtained from the District
- (2)** No person shall park or place any motor vehicle on District property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no person shall stop, park, or place any motor vehicle in any of the following places except when otherwise designated, or when in compliance with the instructions of a police officer, or unless permission therefore has first been obtained from the District:
  - (i)** on the left side of any roadway;
  - (ii)** on the lawn areas and grounds;
  - (iii)** in front of a public or private driveway;
  - (iv)** within any intersection;
  - (v)** within 30 feet of any stop sign or traffic control signal located at the side of a roadway;
  - (vi)** on the roadway side of any motor vehicle parked at the edge or curb of the roadway;
  - (vii)** on any sidewalk;
  - (viii)** at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow or red; or
  - (ix)** at any place or time where a permit or sticker is required for parking by the District unless the required permit or sticker has been obtained and is displayed on the vehicle.
- (3)** The Director, with consent from the Board, shall establish from time to time rates and fees for parking in any and all of the parking facilities of the District.

- (4) Whenever any motor vehicle is parked in violation of the provisions of this section prohibiting or restricting parking, and there is no person in attendance upon such parked motor vehicle to be arrested or served immediately with a notice to appear in court to answer the charge of such violation, any police officer observing such violation may attach to the motor vehicle used in such violation, a notification ticket, so that the person in whose name such motor vehicle is registered may appear in court on a day certain, and at a designated court room to be named in such notice, and answer to the charge of such violation. It shall be unlawful for any person other than the driver of the vehicle to which said notice is attached to remove the notification ticket from said motor vehicle.

**n. Incorporation of State Statutes.**

In addition to the provisions of this Ordinance, a motor vehicle or perform any act in any manner on District property in violation of Chapter 11 of the Illinois Vehicle Code (625 ILCS 5/11-100, *et seq.*) which provisions are specifically incorporated in this Ordinance by reference.

**o. Unlawful Operation of a Motorized Scooter**

No person shall operate a motorized scooter on any street, sidewalk, pathway or any other park district property without the express written authorization of the Park District Board or Executive Director. Persons with disabilities may operate electric or battery powered carts designed to mitigate those disabilities while on sidewalks and pathways so long as those carts are operated in a safe and appropriate manner.

### **9.3.20 SMOKING**

1. No person shall smoke, burn or exhale any cigar, cigarette, pipe, electronic-cigarette or any other device designed to inhale and/or exhale tobacco or any vaporizer related products (hereinafter "smoking") within any building located on District property in violation of the "Smoke Free Illinois Act" 410 ILCS 82/1 *et seq.*, as may be amended from time to time. All buildings, enclosed areas or facilities open to the public will have a designated smoking area. The designated smoking area will not be within fifty feet (50') of any public entrance/exit to the building, enclosed area or facility, not including designated emergency exits. Except for the designated smoking area, smoking shall be prohibited within fifteen feet (15') of all public sidewalks, walkways or plaza areas adjacent to an enclosed area, and within fifteen feet (15') of mechanical air intakes at any building or facility or which would serve as a means of public

ingress or egress to an enclosed area, building or facility. Cannon Crossings and Sycamore Park Restroom/Concession Facilities will not have a designated smoking area as the facilities are located within fifty feet (50') of the athletic fields.

2. Smoking is prohibited within fifteen feet (15') of any outdoor eating establishment or facility on park district property.
3. Smoking is prohibited within fifty feet (50') of all designated program or special event areas on park district property and all athletic fields, hard court playing surfaces, bleachers and playgrounds.
4. Smoking is prohibited in/on any park district equipment or vehicle.
5. All personnel (staff, vendors, outside contractors, volunteers) are prohibited from smoking while working directly with the public.

Approved 4/2014

#### **9.3.21 ADMISSION/IDENTIFICATION.**

No person shall enter into, be or remain in any area or facility of the District without payment of any required admission charges and fees, and without compliance with the registration requirements, if any, which may be established from time to time by the District, and without displaying the proper admission identification cards/papers and tickets which may be required thereof. All admission identification cards/papers and tickets are non-transferable and must be individually registered, unless otherwise specifically noted thereon. A charge may be made by the District for placing lost identification cards/papers and tickets.

#### **9.3.22 DISPLAY OF PERMIT OR PASS.**

No person shall fail to produce or display any permit or pass required in order to engage in any activity on District property, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule of the District.

#### **9.3.23 SCHEDULES, FEES, RULES AND REGULATIONS.**

Time schedules for the operation of and the activities to be conducted on District property and the amount of facility, permit and/or program fees, shall be approved by the Director and reviewed periodically. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District. The Park Board or Director shall otherwise establish rules and regulations for proper conduct by persons using District property. Specific rules pertaining to various District facilities and programs shall be posted at the applicable facility and/or published in District program brochures or otherwise disseminated to the users of District property which shall be charged with actual knowledge thereof. All

persons shall abide by the rules and regulations of the District and with the direct orders or requests of employees and agents of the District when such persons are using District property.

## **9.4 PERMITS.**

### **9.4.1 RULES AND REGULATIONS.**

The Board or Director may, from time to time, establish reasonable rules and regulations for the use of each facility on District property. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of District employees and of the public, the safety and maintenance of District property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all District facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of District property.

### **9.4.2 RESTRICTION ON SOLICITATION.**

Permits issued for commercial, charitable or religious solicitation from persons on District property shall not allow solicitation activity on sidewalks, streets, highways. Any person engaging in solicitation activity pursuant to a permit in close proximity to a highway or street must wear a high visibility vest.

### **9.4.3 PERMIT REQUIREMENT.**

No person shall, without a permit and paying appropriate fees:

- a. conduct a public assembly, parade, picnic, or other event involving more than twenty-five (25) individuals or vehicles;
- b. circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any indoor facility, field house, garden, zoological garden or other special facility;
- c. conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- d. exhibit or display any motion picture, television program or similar event;
- e. operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse District property;
- f. create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her

- own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other person;
- g.** place, station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum, hammock, swing, tent, shelter, or other structure or camping equipment;
- h.** station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- i.** sell, lease, advertise or offer for sale or lease any goods or services;
- j.** display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within the park system;
- k.** bring, land or cause to ascend or descend or alight on District property, any airplane, helicopter, flying machine, balloon, parachute, model aircraft or other apparatus for aviation;
- l.** conduct any sporting event;
- m.** bring or ride onto District property any animal as provided in Section 9.3.16;
- n.** use District property for day camps, instructional classes or organized groups not sponsored by the District;
- o.** create, light or make use of a fire, including fires in fireplaces, stoves and pits;
- p.** sell, bring within, give away, deliver or consume alcoholic beverages on District property;
- q.** operate a snowmobile or similar vehicle; or
- r.** engage in commercial, charitable or religious solicitation from persons on District property.

#### **9.4.4 APPLICATION FOR PERMITS.**

- a. Filing Written Application.**  
Any person seeking the issuance of a permit shall apply for a permit by filing a written application in accordance with District Procedure 1.025 Reserving Parks, Athletic Fields and Facilities. The form shall be prescribed by the Director. Except as otherwise provided, any other ordinance, rule or regulation of the District with respect to the activity in question, applications for permits shall be filed with the Director at the District's Administrative offices located at 1685 West Higgins Road, Hoffman Estates, Illinois 60169.
- b. Application Fee.**  
For any activity described in this chapter, Section 9.4 no permit shall be granted unless the applicant shall have paid at the time for filing an application for permit the required application fee in an amount in accordance with schedule of fees established by the Director.

- c. **Indemnification and Reimbursement Agreement.**  
No application for permit shall be granted unless the applicant shall have executed an agreement with the District, on a form to be prescribed by the Director, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the park upon conclusion of the event or activity; to reimburse the District for any such costs incurred by the District; and to indemnify the District and hold the District harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.
- d. **Security Deposit.**  
For any activity described in this chapter, Section 9.4 PERMITS, no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the park upon conclusion of the use or activity, as set by the schedule of fees set by the Director. Promptly after the conclusion of a permit activity, the District shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the permitted event proximately caused damage to District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the permittee pursuant to this chapter, Section 9.7.4 FINES, below, the District shall retain the security deposit or any portion thereof necessary to pay for the cost repair or any fines assessed against the permittee. The Director or his/her designee shall give written notice of the assessment of damages or fine and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit.
- e. **Fees for Use of Park Facilities.**  
No application for permit shall be granted unless the same shall be accompanied by a fee as provided in the uniform schedule of fees set by the Director. As permitted by law, fees charged nonresidents of the District need not be the same as fees charged residents of the District.
- f. **Insurance.**  
(1) Applicant, if so required by the District, shall procure and maintain at all times during its use of District property, insurance in such amounts and with such coverages as shall reasonably be required by the District and shall name District as an additional insured thereunder. The amounts and type of insurance required shall be determined by the

Director, based upon the nature of the activity and the risk involved. The Director shall prepare a uniform schedule of insurance guidelines for particular types of activities.

Applicant shall provide District with a certificate from its insurer evidencing such coverage prior to applicant's use of District property. The certificate shall also provide that the insurer shall give the District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

- (2) No application for permit for any public assembly involving more than fifty individuals shall be granted unless it shall be accompanied by proof that the applicant shall insure the District against liability for personal injury or property damage arising from or in connection with the use or activity, or, in the alternative, unless the application for permit shall be accompanied by payment of a premium, pursuant to a schedule which shall be determined by regulation of the Director taking into consideration the expected attendance at the use or activity, the nature of the use or activity, and the place of the use or activity, for participation in an insurance reserve program which shall be established and maintained by the District for the insurance of the District against liability for personal injury or property damage as aforesaid.

#### **9.4.5 PROCESSING OF APPLICATION FOR PERMITS.**

**a. Order.**

Except for Community Recreation Centers (see Definitions), applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated preference in order of receipt of fully executed applications. The use of Community Recreation Center shall be scheduled giving preference in the following order to the following activities and groups regardless to the order of receipt of fully executed applications:

- (1)** District sponsored and supervised programs and activities;
- (2)** District sponsored organization programs and activities;
- (3)** Approved village, school district affiliate organizations and programs;
- (4)** District approved activities sponsored by residents of the Hoffman Estates Park District;
- (5)** District approved activities sponsored by non-residents of the Hoffman Estates Park District.

**b. Preliminary Approval.**

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, an insurance certificate evidencing the requisite insurance is not filed with the Director, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no written notice of denial will be required; provided, however, for events or activities which involve the use of special facilities, or activities described in this chapter, Section 9.4.3 g, h, i, k, and l, above, all terms and conditions for issuance of the permit, including securing insurance, must be completed at least thirty days prior to the event.

**c. Written Denials.**

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved subject to insurance requirements as provided in this chapter, Section 9.4.4f, above, if no written denial is issued within fourteen days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as designated by the Director provided, however, the District may extend the period of review for an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is



issued, the application for permit shall be deemed approved.

**d. Notice of Extended Review or Denial or Issuance of Permit.**

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;

**e. Contents of Notice; Grounds for Denial.**

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the District for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the District shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The District may deny an application for permit on any of the following grounds:

- (1) the application for permit is not fully completed and executed;
- (2) the applicant has not timely tendered the application fee, user fee, indemnification agreement, or security deposit;
- (3) the application for permit contains a material falsehood or misrepresentation;
- (4) the applicant is legally incompetent to contract or to sue and be sued;
- (5) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged district property and has not paid in full for such damage, or has other outstanding and unpaid debts to the District;
- (6) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof;
- (7) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
- (8) the proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof;
- (9) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the

- applicant, or other users of the park, of District employees or of the public;
- (10) the applicant has not complied or cannot comply with applicable licensure requirements, ordinance or regulation of the District concerning the sale or offering for sale of any goods or services;
  - (11) the use or activity intended by the applicant is prohibited by law, by this code and Ordinance of the District, or by the regulations of the Director;
  - (12) the applicant has not secured the requisite insurance; or
  - (13) the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant.
- f. **Amendment or Revision of Applications.**  
Any amendment or revision of an application or permit shall, for purposes of determining the priority of the application for permit, relate back to the original filing thereof, but the time in which the District shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

#### **9.4.6 PROCEDURES FOR REVIEW; WAIVERS.**

- a. **Review by Director.**
- (1) Any applicant who is denied a permit or a permittee who is assessed damages or a fine pursuant to this Ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Director;
  - (2) The Director shall have seven days from the date on which the appeal was filed in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial;
  - (3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;
  - (4) If such notice is not served upon the applicant or permittee within seven (7) days of the date upon which the appeal was filed, then the denial shall be deemed reversed.
- b. **Form of Appeals.**  
Any appeals filed pursuant to this Ordinance shall state succinctly the grounds upon which it is asserted that the denial should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the

supervisor and/or the Director and any other papers material to the determination.

**c. Waiver of Requirements.**

Any requirements for or limitation upon a permit or the requirement of a permit may be waived by the Director if the activity is protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using District property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Director.

## **9.5 STRUCTURES AND WORK ON DISTRICT PROPERTY.**

### **9.5.1 WORK PERMIT REQUIRED.**

No person shall conduct or direct any of the following activity without first obtaining a work permit from the Director:

- a.** make an opening in District property, pavement, side or cross walk or dig a hole, ditch or drain in or remove any sod, stone, earth, or gravel from any public way or other public place;
- b.** use any portion of District property including the sidewalks and parkways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure or for the storage or delivery of building materials and equipment;
- c.** place any shaft, cable, pipe, main, conduit, wire or other transmitting or conducting device over, on or under the surface of District property or public place;
- d.** construct, build, establish or maintain any driveway over, across or upon District property;
- e.** remove any manhole cover, handhold cover or catch basin cover on any public way or other District property for any purpose including inspecting or maintaining any underground work or utility; on any public way or District property for the purpose of inspecting and maintaining any underground work or utility;
- f.** use the space under any sidewalk or parkway in such a manner as to affect or to interfere with any sewer or pipe or any other work lawfully in District property;
- g.** construct, maintain or use any canopy upon District property;
- h.** build, rebuild, remove or repair any sidewalk, walk from sidewalk to curb, carriage walk or concrete any lawn space;
- i.** use District roadways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure;
- j.** use any ladder, scaffolding or other similar devices upon or over District property for the purpose of maintaining or repairing any private building or structure, or for hanging signs or changing the

- lettering on private signs; or
- k. move on, along or across any public way or other District property, any building or structure or any machinery, equipment or personal property in excess of ten tons.

#### **9.5.2 ENCROACHMENTS.**

No building or other structure or any part or appurtenance thereof shall extend into, upon or over any part of District property. **(See Ordinance No. O-02-08)**

#### **9.5.3 REQUIREMENTS FOR ISSUING WORK PERMITS.**

The Director shall not issue any work permit authorized by this chapter until he/she shall have been fully advised of the time, place and character of such work and the purpose thereof. All applications for permits shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of any proposed work, or any alterations involving changes in the location of pipes, conduits, wire or other conductors. The Director may require such additional drawings, surveys or other information as he may consider necessary or desirable to establish the scope, character and location of the work intended to be done and shall deny any application for permit unless or until such requirements are fulfilled.

#### **9.5.4 ESTIMATE OF WORK COSTS.**

Before such a work permit shall be granted, the Director shall make an estimate of the cost of engineering and inspection services and of restoring the pavement, lawn, ground surface, or other improvements, to a condition equally as good as before the work provided for in such work permit shall have been done.

#### **9.5.5 SECURITY OF COSTS.**

Before such a work permit shall be granted, the applicant shall either pay the estimate of the cost of engineering and inspection service and of restoration, or deposit with the District a performance bond issued by a surety approved by the Director in the penal sum of twice the estimate of cost, guaranteeing the payment by such applicant of all costs and charges against him/her by the virtue to the granting of such work permits.

#### **9.5.6 INDEMNITY BOND.**

Before any work permit is issued, the applicant shall first execute in favor of the District an indemnity bond in an amount to be fixed by the Director

and in no case less than ten thousand dollars with sureties to be approved by the Director and in a form approved by the Director conditioned upon the faithful performance of the permit and further conditioned to indemnify, keep and save harmless the District from any and all loss, cost, damage, expense, judgment or liability of any kind whatsoever which the District may be put to or which may be recovered from the District or any of its officers or employees from or by reason of or on account of accidents to person or property from or by reason of on account of anything done under or by virtue of any permit granted. The indemnity bond must provide that the indemnification obligations under this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the applicant or any of the applicant's subcontractors under Workers' Compensation or Disability Benefit Acts or Employee Benefit Act.

#### **9.5.7 INSURANCE.**

At the District's discretion, before any work permit is issued, the applicant shall first secure and maintain liability insurance policies covering the work in the amounts and types as determined by the Director, and naming the District and its elected and appointed officers, officials, agents, and employees as additional insured's on the policies. The types of insurance coverage that may be required include but are not limited to:

- (a) Commercial General Liability Coverage;
- (b) Automobile Liability Coverage;
- (c) Worker's Compensation Insurance;
- (d) Employer's Liability Insurance; and
- (e) Excess or Umbrella Coverage.

All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A- " or better and of a class size "X" or higher by A.M. Best Company. All the insurance required of the Applicant shall state that the coverage afforded to the additional insureds shall be primary insurance of the additional insureds with respect to claims arising out of operations performed by the Applicant. If the additional insureds have other insurance or self-insured coverage which is applicable to the loss, it shall be on an excess or contingent basis."

#### **9.5.8 EMERGENCY REPAIRS.**

Whenever an emergency exists requiring that an opening in any public way or other District property be immediately made, and at such time or times the offices of the District are not open for the issuance of work

permits or the time required to make formal application would result in public injury or hardship, such openings may be made if:

- a. the person making such opening shall, as soon as possible, notify the Director and obtain an emergency work permit from the Director; and
- b. thereafter, such person obtains a work permit authorizing such opening.

The Director is hereby authorized to issue such emergency permits for the period of any calendar year.

#### **9.5.9 WORK PERMIT FEES.**

No work shall be granted unless the applicant shall have paid at the time for filing an application for a work permit the required permit fee in an amount in accord with the schedule set by the Director.

#### **9.5.10 WAIVER OF PERMIT FEES.**

No fee shall be charged to any municipality or aquarium or museum located within a park which offers reciprocity in the waiving of permit fees.

### **9.6 PATRON PROPERTY.**

#### **9.6.1 LOST AND FOUND ARTICLES.**

Whenever a District employee or agent finds lost articles on District property, he/she shall report such findings to their respective Division Manager. The Division Manager shall make every reasonable effort to locate the owner or owners. If the property is unclaimed by the owner or person legally entitled to possession after such reasonable efforts, staff will record items of value such as wallets, purses, keys, backpacks, and electronic devices in the log sheet titled "Found Items of Value" at the respective district service desk and/or pro shop. Items of value shall be considered having a replacement value of \$100 or greater. Information recorded in the logbook will help to ensure items are accounted for and returned to the rightful owners. The Division Manager is responsible for filling out the logbook completely and accurately. Items of value will be kept in a secure location, i.e., facility safe. Once every three months, any items in lost and found determined with a value over \$100 that have been in the district's possession for 90 days, will be turned over to the Hoffman Estates Police Department for disposition in accordance with the "Law Enforcement Disposition of Property Act," 765 ILCS 1030/0.01, *et seq.* All other lost and found articles, i.e., clothes, towels, swim goggles, etc. will be kept at the service desk in a designated place. In order to claim a found item, the owner must describe the item as closely as possible. After ownership is established as well as possible, the owner needs to sign out

for the item if it is an item of value. If it is not an item of value, the item may be returned immediately to the owner. Items in lost and found which are not claimed by the end of each quarter (i.e., 90 days) will be appropriately donated to a non-for-profit organization for their respective use. Misappropriation of such items may be treated as theft or fraud under the district policies and the relevant Illinois Crimes Code.

#### **9.6.2 PATRON LOCKS.**

A patron is allowed to affix his/her lock to designated lockers while using Park District facilities. However, no patron lock may remain on a locker when the facility closes for the day unless authorization has been granted and appropriate locker rental fees have been paid. Any lock remaining on the locker at closing time shall be removed by the designated District staff of the location or his/her designee. The contents found in such a locker will be secured by the Facility Manager and returned to the park patron pursuant to Section 9.6.1, above. The Division Director or his/her appointed representative shall record an inventory of the items found in the locker in accordance to Section 9.6.1, above.

#### **9.6.3 IMPOUNDMENT.**

**a. Impoundment Procedure.**

The District may impound park patron property by removing it to a designated impoundment area or by forbidding such property from being moved from its location during the period of impoundment.

**b. Circumstances Allowing Impoundment.**

The Director may impound patron property, or may allow city, state or federal officials to impound such property for the following reasons:

- (1) when the patron property is located on park property Without a required valid permit;
- (2) when the patron property presents an unreasonable danger of injury to persons or property on park property;
- (3) when the patron property has been reported stolen and the patron is not present at the location or recovery;
- (4) when the patron property is abandoned or left unattended;
- (5) when the park patron fails to pay fines or fees lawfully imposed by the District; or
- (6) when there is other cause justifying impoundment under local, state or federal law.

**c. Record of Impoundment.**

Upon impounding patron property, the Director shall record the name and description of the impounded property; the circumstances under which it was impounded; the time, method, and place of impoundment; and a description of the condition of the property at the time it was impounded.

**d. Notice to Owner of Impounded Patron Property.**

Whenever the Director has impounded patron property, he/she shall immediately ascertain, if possible, the name of the owners or other persons legally entitled to possession of such property, and thereafter shall immediately cause a notice to be sent by certified or registered United States mail, return receipt requested, to such owners and such other persons entitled to possession, if known. Such notice shall contain a full description of the patron property, the circumstances of its impoundment, and where it is impounded and shall request that the recipient immediately contact the Director. The notice shall:

- (1) Specify the action of the Director proposes to take in addition to impoundment;
- (2) Specify the ordinance or rules of the District allegedly violated, if any;
- (3) Briefly state the factual basis of any alleged violation; and
- (4) Inform the patron of the procedure and deadline for appeal.

**e. Meeting of Director with Owner.**

The Director or his/her designee shall personally meet with the person or persons notified under this chapter, Section 9.6.3, above, as soon after the sending of such notice as can be arranged. The purpose of such meeting is to explain the circumstances of the impoundment and receive from the owner any information bearing on whether the impoundment shall be continued. Upon conclusion of this meeting, the Director may:

- (1) Determine that the patron property was improperly impounded, in which cases he/she immediately release the property to any authorized person without charge.
- (2) Determine that the patron property was properly impounded. In such case, the Director shall determine whether the property should remain impounded pending proceedings, if any, on the charges that led to the impoundment. If the Director allows the patron property to be released, he/she shall do so upon payment of the reasonable charges



incurred by the District in moving and storing the property during impoundment. The Director may order the impoundment continued pending such further proceedings if he/she finds probable cause to believe that:

- (a) the property, if released to its owner, would pose a clear and present danger to the safety of persons or property,
  - (b) the continued impoundment of the patron property is necessary in connection with state or federal legal proceedings; or
  - (c) the owner has failed or refused to correct an existing violation of this chapter, above.
- (3) Release the impounded patron property to the custody of federal, state, or local authorities.

**f. Subsequent Proceedings.**

If the owner, in the notice of impoundment, was notified of charges of violation of a District ordinance or rules, the owner shall have the right to appeal such charges and receive a hearing thereon according to the proceedings. The Director shall, upon conclusion of those proceedings, make such disposition of the impounded patron property as may be appropriate in compliance with law.

**g. Disposition of Unclaimed Impounded Patron Property.**

If any impounded patron property remains unclaimed by the owner or person legally entitled to possession thereof for a period of thirty days or more after the date the notice of impoundment was sent to the owner or person entitled to possession of said patron property, the Director may cause the impounded property to be transferred to the Hoffman Estates Police Department to be disposed in accordance with "The Law Enforcement Disposition of Property Act," 765 ILCS 1030/0.01, *et seq.*

**9.7 ENFORCEMENT.**

**9.7.1 PARENTAL RESPONSIBILITY.**

**a. Generally.**

The parent or legal guardian of an un-emancipated minor shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility, and such minor shall be deemed to have committed the acts described below with

the knowledge and permission of the parent or guardian upon the occurrence of the following three events:

- (1) An un-emancipated minor is adjudicated to be in violation of this section or has incurred non-judicial sanctions from another official agency resulting from an admission of guilt in violation of this section; and
  - (2) The parent or legal guardian has received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned from the Police Department of the Village, following said adjudication or non-judicial sanction; and
  - (3) If at any time within one year following receipt of the notice described in Section 9.7.1 a(1), (2) above, the minor is adjudicated to be in violation of this section, or has incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of this section.
- It shall be unlawful for a parent or legal guardian to allow an un-emancipated minor to engage in acts in violation of this section. Each parent and legal guardian shall be jointly and severally liable.

**b. Willful and Malicious Acts.**

The District hereby holds parents and legal guardians of an un-emancipated minor who resides with such parent or legal guardian liable for actual damages for the willful and malicious acts of such minor which cause injury to a person on District property or injury to District property, as provided in the "Illinois Parental Responsibility Act" (740 ILCS 115/1, *et seq.*).

**9.7.2 PARTIES.**

Every person who commits, attempts to commit, conspires to commit, or aides or abets in the commission of any act declared herein to be unlawful, as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this code is likewise guilty of such offense.

**9.7.3 NON-EXCLUSIVITY OF PENALTIES.**

The penalties provided for in this chapter are in addition to and not exclusive of any other remedies available to the District as provided by applicable law. The penalties provided for in any section of this chapter may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in other sections of this chapter.

**9.7.4 VIOLATIONS/FINES.**

The violation by a person or other legal entity of the laws or regulations

of the District or the term of his/her permit shall subject such person or entity to a civil fine of no less than \$35.00 and not more than \$1,000 per violation. Fines for violations of Illinois statutes (for example, but not limited to, the Illinois Vehicle Code or the Smoke Free Illinois Act) shall be assessed in accordance with the requirements of said statute. Each day that a violation continues shall be deemed a separate violation. The District shall give such person or entity prompt written notice of any fines. Such fines may be assessed against any security deposit held by the District on behalf of the permittee, pursuant to this chapter, Section 9.4.4d, below, or may be assessed a fine for monies in excess of any security deposit. The Park District may establish a schedule of violations for which a "P-ticket" may be issued and paid without requiring a court appearance by the violator. The Park District hereby adopts, by reference, the terms and provisions set forth in Hoffman Estates Code of Ordinances, Section HE-16-103, with respect to the issuance of P-tickets and the collection of fines thereof, including the provision contained in HE-16-103(c) in the event no payment is made. The Park District also adopts the similar provisions set forth in the Schaumburg Code of Ordinances. The Park District hereby appoints the Corporation Counsel for Hoffman Estates and the Village Attorney of Schaumburg, or their designees, for the purpose of prosecuting the offenses set forth in Section 9 hereof.

#### **9.7.5 RESTITUTION.**

Any person who is found to have violated any of the provisions of this Ordinance shall be liable for any loss or damage to any person or property by way of or caused by the actions constituting such violation for the cost of recovery, repair or replacement of the person or the property so injured, damaged or destroyed.

#### **9.7.6 POLICE ENFORCEMENT.**

All fines and restitution costs shall be recoverable by and through an action for the enforcement of this Ordinance. This Ordinance shall not grant a separate cause of action to any person who suffers any loss so described above.

Each of the police officers of the Village of Hoffman Estates and the Village of Schaumburg are hereby authorized to enter upon the property owned, leased or controlled by the Park District in their respective jurisdictions for the purpose of enforcing the ordinances of the Park District, ordinances of the Village of Hoffman Estates, laws of the State of Illinois and all laws and ordinances amendatory thereof.

#### **9.7.7 REVOCATION OF PRIVILEGES.**

Any person violating or disobeying any section or part thereof of this Ordinance, or any other ordinance, rule or regulation of the District, may be forthwith evicted from District property, and may have his/her admission rights to District property terminated, revoked, forfeited or

suspended for the remainder of the season as determined by the Director or the Director's designated representative.

**9.7.8 REWARDS.**

The District may offer rewards to the person or persons (other than police officers or employees of the District) who furnish information to the District, directly resulting in the arrest and conviction of anyone who unlawfully takes, damages, or destroys District property. All claims for said reward must be made to the District within thirty days after conviction and the District shall be the sole judge of any dispute arising over the reward and the person or persons, if any, entitled to share therein, and its decision on any matter connected with the reward shall be final and conclusive.

**Section 9 Board Approved August 2010**

## **10.0 PARK AND RECREATION LAND DEDICATION/ACQUISITION**

### **10.01 Philosophy of Acceptance**

### **10.02 Requirement and Population Ratio**

### **10.03 Improvements**

### **10.04 Topography and Grading**

### **10.05 Water Management Areas**

### **10.06 Cash in Lieu of Land**

### **10.07 Park Plat Review**

### **10.08 Conveyance of Land**

## **10.0 PARK AND RECREATION LAND DEDICATION/ACQUISITION**

- 10.01. Philosophy of Acceptance. The land or site for Park and Recreation land dedication must be suitable for the purpose for which it is intended. Land set aside by developers for parks, recreation, and conservation purposes shall not merely be the land which has been left over after residential, commercial and industrial development.
- 10.02. Requirement and Population Ratio. The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be ten (10) acres of land per 1,000 of ultimate population.

“Active Park Areas” shall be defined as those areas specifically adapted and planned for a wide range of physical activity such as group games, physical education, sports, and athletics. Facilities usually include, but are not limited to, playfields, game courts, rinks, ball diamonds, pools, tennis courts, community centers, and play apparatus. Active areas shall not include any areas designated for water management, such as retention, detention or ‘wetland’ areas.

“Location”. The Park District Comprehensive Master Plan as amended from time to time, shall be used as a guideline in locating sites. A central location which will serve equally the entire development is most desirable and whenever feasible, the site shall be in close proximity to elementary school sites. In large developments, these sites can be located throughout the development according to established standards for park area distance.

- 10.03. Improvements. Each park site shall be located on a fully improved street with curbs, gutters, street lights, sanitary sewer, storm sewer, water, electricity, and gas available at the property lines. Sidewalks shall be provided along all street frontage. The site shall have direct access to a fully improved street across at least 20% of the distance of the perimeter. At least two access routes or easements shall be provided. Any pedestrian access route shall be at least 66 feet wide and any vehicular access route or easement shall be at least 66 feet wide. Any pedestrian access route less than 50 feet wide shall be fenced along both sides with fencing material approved by the Park District.
- 10.04. Topography and Grading. Each park site designated on the Park Plan as an “active park area” shall have sufficient level area, uninterrupted by streams and drainage ditches, to permit its development for football/soccer and baseball fields without the infields overlapping the football fields.

### **A. Slope**

- a. Should not vary greatly in appearance from existing and adjacent slopes.

- b. Optimum slopes range from 2% minimum to 5% maximum. No less than 2% slope is acceptable under any circumstances.
- c. Maximum allowable slope is 10%, except under special conditions where greater slopes are desirable to enhance recreation and leisure utilization (i.e. sled hill).
- d. That on-site drainage patterns be designated and constructed to:
  - i. Insure flow toward swales
  - ii. Insure drainage away from active recreation areas.

B. Grading

- a. Rough grading shall be completed at time of rough grading of adjacent, contiguous areas.
- b. Grading shall comply with Village and Park District approved plans.
- c. Subgrade shall be graded and compacted so it will parallel finished grade.
- d. Subgrade material shall be loosened and fine graded to a depth of two to four inches. All stones over four inches in size, sticks, rubbish and other foreign substances shall be removed.
- e. Finished grades should be uniform in slope between points for which elevations have been established.

C. Soils

- a. Soils shall not differ from those occurring naturally.
- b. Soils shall not offer any restriction to proposed recreation and leisure utilization.
- c. Topsoil shall be spread evenly and lightly compacted to a minimum depth of six inches over the entire site.
- d. Topsoil will be good, friable soil, with good tillage and shall be without any admixture of subsoil, gravel, stones, refuse, sand or other subsurface elements.
- e. Topsoil shall not be placed in a muddy or frozen condition.
- f. Topsoil shall contain no toxic substances which may be harmful to plant growth.
- g. Topsoil shall be spread no later than the placement of topsoil on the first lot adjacent to the park site.

D. Seeding

- a. All proposed park areas shall be seeded and an acceptable stand of grass established prior to dedication of the area to the Park District. Acceptable is defined as 80% desirable cover over the entire site. In no case shall the site be accepted when turf cover is less than 70% in a gridded area 10 feet by 10 feet.
- b. Seeding is to utilize Village and Park District approved ground covers and grasses.

- c. Seeding is to be completed during desirable fall and spring planting times, dependent upon recommended seed planting specifications.
- d. Seeding is to be done on moderately dry soil on a seed bed which will easily accept and nurture germination of seeds.
- e. Developer will be responsible for making necessary reparations to the site caused by erosion. Reparations will be completed prior to acceptance by the Park District.

10.05. Water Management Areas . Shall be defined as those properties set aside as retention or detention to support the developed property. The Park District will accept the donation of said parcels in its sole discretion on a case by case basis.

10.06. Cash in Lieu of Land. When the development is small and the resulting site is too small to be practical, or when the Corporate Authorities of the Park District determine that the available land is inappropriate for a park site, the Park District may accept cash in lieu of land. The value amount of the cash in lieu of land option shall be negotiated on a site by site basis based upon but not limited to the following factors:

- Land cost based upon the highest recorded sale amount of the property in question
- Land cost based upon an MIA appraisal
- The average cost as calculated utilizing the top three cash in lieu of land contribution amounts garnered for Chicago-land park districts

10.07 Park Plat Review . Copies of each subdivision plat shall be transmitted to the Park District for their written recommendations at the same time that they are transmitted to the Plan Commission, but nothing herein contained shall be construed as requiring receipt of a recommendation prior to action by the Corporate Authorities of the Village.

10.08 Conveyance of Land

- A. Environmental Audit and Indemnification. Prior to conveyance to the Park District of any land, the Park District shall be furnished with an environmental risk audit prepared by an environmental professional meeting the minimum requirements of 415 ILCS 5/22.2 (j)(6)(E)(iii) certified to and acceptable to the grantee assuring the grantee that there are no “Hazardous Substances” (as herein defined) on, under, to or from the property. Said environmental audit shall be what is commonly referred to as a Phase I Environmental Audit, which shall meet the minimum requirements for a Pre-Acquisition Audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(v) (the “Phase I Audit”). In the event the Phase I Audit does not conclude that there is no presence or likely presence of a release or substantial threat of a release of Hazardous Substance(s) or pesticide on, under, to or from the property, the developer shall furnish the Park District a Phase II Environmental Audit which meets the minimum



requirements for a Pre-Acquisition Phase II Environmental Audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(vi), including but not limited to a soil toxicity analysis and recommendation from said environmental professional meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii) which concludes that there is no presence or likely presence of a release or substantial threat of a release of Hazardous Substances on, under, to or from the subject property, and certifying that in the judgment of said environmental professional there is no reasonable probability that the land contains any Hazardous Substances in violation of any federal or state environmental standards. In the event said Phase II Environmental Audit and/or soil toxicity analysis discloses the presences or likely presence of a release or a substantial threat of a release of any Hazardous Substances at, on, under, to or from the land to be conveyed, the developer shall first cause all such Hazardous Substances to be removed at its sole cost and expense in accordance with all federal, state and local environmental laws, rules and regulations and furnish the intended grantee with an unconditional "No Further Remediation Letter" (i.e., without restriction or reference to a site safety plan for future excavation and/or construction of an/ removing soil contamination on the site) from the governmental agencies having jurisdiction over the clean up prior to conveyance of any of the land to the Park District. Prior to the conveyance of the land, the sub-divider or developer, as the case may be, and the owner of the land to be conveyed, shall execute and deliver to the Park District, an Environmental Indemnification Agreement in form approved by the Village and Park District Attorneys, agreeing to defend, indemnify and hold the Village and Park District, their Presidents and Board of Trustees or Commissioners respectively, officers, officials, employees, agents, successors and assigns, harmless from and against any and all liability, claims, damages, causes of action and expenses arising out of the presence of any Hazardous Substances (hereinafter defined) in, under or upon said land to be conveyed prior to the date of conveyance.

The term "Hazardous Substance" includes without limitation:

1. Those substances included in the definitions of "hazardous substances", "extremely hazardous substances", "hazardous materials", "toxic substances", "toxic chemicals", "toxic wastes", "hazardous chemicals", "hazardous wastes", "solid waste" or "pesticides" in CERCLA, RCRA, SARA, HSWA, TSCA, OSHA, FWPCA, Illinois Pesticides Act, Illinois Responsible Property Transfer Act, and the Hazardous Materials Transportation Act, 49 U.S.C. Sec. 5101, et seq. as amended in the future, and in the regulations promulgated pursuant to said laws.
2. Those substances defined in Sections 3.215 and 3.220 of the Illinois Environmental Protection Act and in the regulations

promulgated pursuant to said Act of other Illinois laws pertaining thereto.

3. Those substances listed in the United States Department of Transportation Table (49 CFR 172.101) and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto).
4. Such other substances, materials, and wastes which are or become regulated under applicable local, state, or federal law, or the United States government, or which are classified as hazardous or toxic under federal, estate or local laws, ordinances or regulations.
5. Any material waste or substance which is (1) asbestos, (2) polychlorinated biphenyl, (3) designated as a "hazardous substance" pursuant to Sec. 311 of the Clean Water Act, 33 U.S.C. Sec 1251 et seq (33 U.S.C. Sec 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec 1317), (4) explosives, or (5) radioactive materials.

- B. Title Insurance, Survey, Assessment Plats. Prior to the acceptance by the Park District of a conveyance, the Park District will be given a reasonable opportunity for its counsel to review the conveyance documents. Each deed or other instrument conveying land to the Park District shall be accompanied by : (1) written commitment in form which can be converted to an owner's policy issued by a title insurer licensed to do business in Illinois to insure title in the name of the Park District to the real estate to be conveyed in an amount equal to its value, with extended coverage if available over the general exceptions to title and subject only to (a) real estate taxes not yet due and payable, (b) covenants, conditions, easements and restrictions of record which do not prohibit the use of the subject real estate for park or recreational use, (c) acts done or suffered by or judgments against the grantees (collectively, the "Permitted Exceptions"); (2) a current ALTA boundary line survey, certified to the grantee by a licensed Illinois Land Surveyor to be in compliance with the American Land Survey Standards, showing no encroachments; and (3) except in instances where the real estate to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in form acceptable to the appropriate county authorities so that the land to be conveyed can be assigned its own permanent real estate index number for exemption purposes. In addition, monuments must be established and the land staked immediately prior to dedication of the property. Permanent property corner markers shall be installed at the developer's expense according to the Village/Park District detail. The subdivider or developer shall pay for the cost of owner's title insurance in said amount, the ALTA survey, the assessment plat any and all costs in connection with the tax division, and shall provide any other documents as needed to record the document of conveyance and obtain an owner's title policy,

such as executed ALTA statement, gap undertaking, and all required transfer tax declarations.

- C. Real Estate Tax Escrow. The Developer shall pay the general real estate taxes on the land due and payable as of the date of transfer, and shall deposit a sum of money in escrow with the Park District attorney or other party approved by the Park District said taxes prorated as of the date of transfer, on the basis of 110% of the tax assessor's latest assessed valuation, the latest known equalization factors and the latest known tax rate on the land. In the event that the previous tax information or the previous tax bill includes other property, then the amount to be deposited in escrow shall be adjusted pro-ratably based on the net acreage of the other parcels covered by said tax bills. After the land has been divided for real estate tax purposes and has been conveyed to the Park District, the Park District shall proceed with due diligence to apply for real estate tax exemption on the land.
- D. Property Inspection. The Park District will be afforded a reasonable opportunity to inspect the property to be conveyed prior to closing in order to assess whether the property is in acceptable condition for acceptance.
- E. Once the above conditions are met, and the conveyance documents and the condition of the property are found to be appropriate, the Park District Board of Commissioners will entertain the matter for acceptance. Acceptance will be shown by the Park District's recording of the deed of conveyance at its own expense. The Park District will apply for tax exempt status of the property.

**Section 10 Board Approved July 2010**

**11.0 Personnel Policies**

**SEE....**

**11.1      Personnel Policy Manual**

**11.02     Employee Safety Manual**

**11.03     Employee Operations Plan**