

**HOFFMAN ESTATES PARK DISTRICT**  
**POLICY MANUAL**  
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## **1.0 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.

### **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 at 70 ILCS 1205 of the Illinois Compiled 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 publicly 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 Road
2. Beacon Point Park	4.69	5815 Beacon Point Drive
3. Beacon Point Wetlands Park	16.2	5942 Chatham Drive
4. Bergman Pointe Park	8.25	3475 Elsie Lane
5. Birch Park	4.0	1045 Ash Road
6. Black Bear Park	14.7	1484 Essex Drive
7. Bode-Salem Playground*	.15	Bode and Salem Drives
8. Bridges of Poplar Creek	150.0	1400 Poplar Creek Drive
9. Brittany Park	5.0	1245 W. New Britton Drive
10. Bur Oak Basin	1.7	1570 Burr Oak Drive
11. Cannon Crossings	26.3	1675 Nickelson Drive
12. Canterbury Park Place	16.5	6150 Russell Drive
13. Canterbury Fields Park**	15.0	1950 Maureen Drive
14. Charlemagne Park	20.0	3799 Bordeaux Drive
15. Chestnut Park	10.4	935 N. Dovington Drive
16. Chino*	5.5	630 Illinois Boulevard
17. Cipri Park	4.9	4455 Harbor Circle
18. Colony Park	3.5	5097 Kingston Drive
19. Colony Nature Area	2.1	5101 Chambers Drive
20. Community Park	3.0	925 Grand Canyon Parkway
21. Cottonwood Park	13.0	2029 Parkview Circle East
22. Douglas Park	3.1	3694 Whispering Trails Drive
23. Eisenhower Park	9.0	864 Rosedale Lane
24. Essex Park	11.0	1334 Essex Drive
25. Evergreen Park	13.0	600 Washington Boulevard
26. Fabbrini Park	43.0	1704 Glenlake Road
27. Fairview Park	3.5	341 Arizona Boulevard
28. Field Park	.5	410 Durham Lane
29. Golf Road Preserve	20	5740 Golf Road, Elgin
30. Hassell Maintenance	4.64	2352 Hassell Road
31. Highland Park	10.0	1755 Highland Boulevard
32. Hoffman Park	1.75	290 Glendale Lane
33. Hunters Ridge Wetlands Park	32.5	1305 Hunters Ridge Drive
34. Hunters Ridge Basin	1.0	5694 Red Oak Drive
35. Huntington Park	8.4	4009 Huntington Boulevard
36. Kingston Park	6.0	5094 Kingston Drive
37. Lincoln Park	4.8	1993 Dogwood Drive
38. Locust Park	6.0	345 Frederick Lane
39. Lombardy Park	1.0	1535 Westbury Drive
40. Maple Park	3.0	105 Illinois Boulevard
41. McDonough Basin	.63	511 Swan Circle
42. Meadow Park	3.0	3830 Whispering Trails Drive
43. North Greenway Park	3.5	1075 Westbury Drive
44. North Ridge Park	5.0	1370 W. Sturbridge Drive
45. North Twin Park	12.0	950 Hassell Road
46. Oak Park (Cemetery)	10.6	1700 Abbeywood Lane

47. Olmstead Park	10.4	4500 Olmstead Drive
48. Pebble Park	3.5	1855 Westbury Drive
49. Pine Park	9.0	750 Charleston Lane
50. Poplar Park	3.5	1901 Hassell Road
51. The Club at Prairie Stone	12.1	5050 Sedge Blvd
52. Princeton Park	2.1	5400 McDonough Road
53. Princeton Pond Park	3.7	2024 Ivy Ridge Drive
54. Rohrssen Park	6.25	1389 Fox Path Lane
55. Seascape Family Aquatics Ctr	11.5	1300 Moon Lake Blvd
56. Seminole Nature Area	13	3914 Whispering Trails
57. Sheffield Park*	1	1000 Walnut
58. Shoe Factory Basin	2.06	1675 Colchester Ave
59. Sloan Park	4.5	760 Western Street
60. South Ridge Lake Park	31.6	1450 Freeman Road
61. South Twin Park	11.0	985 Hassell Road
62. Sundance Park	1.0	4485 Sundance Circle
63. Sycamore Park (Hillcrest)	8.8	450 Hillcrest Boulevard
64. Tall Oaks Park	10.6	5670 Angouleme Lane
65. Thornbark Park	1.0	4475 Thornbark Drive
66. Triangle Property	2.52	1750 Essex Drive
67. Triphahn Center	9.0	1685 W Higgins Road
68. Tropicana Park	.88	680 Audubon Street
69. Valley Park	4.0	850 Park Lane
70. Victoria Park	109.3	1100 Kingsdale Road
71. Vogelei Park	10.0	650 Higgins Road
72. Walnut Pond Park	12.0	1680 McDonough Road
73. Westbury Greenway	3.5	4501 Olmstead Drive
74. Westbury Lake	17.0	1075 Westbury Drive
75. Whispering Park	6.0	3957 Whispering Trails Drive
76. Willow Park	25.0	905 Norman Drive
77. Willow Rec Center	16.0	3600 Lexington Drive
78. Wilmington Park	4.0	1072 Wilmington Lane
79. Winding Trails Detention	3.3	1193 Mallard Street
80. Yorkshire Basin	1.81	1696 Heron Way

Total Acres 914.43

\*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 Wrobleski	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	2003-2017
Keith Evans	2007-2015, 2017-
Ronald Greenberg	2007-2015
Lili (McGovern) Kilbridge	2007-2020
Michael Bickham	2011-2019
Ron Evans	2011-2021
Patrick McGinn	2013-
Patrick Kinnane	2015-
Robert Kaplan	2015-
Raj Chhatwani	2019-

Marc A. Friedman  
Linda Dressler

2021-  
2021-

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## **2.0 MISSION, VISION AND VALUES**

### **2.1 MISSION STATEMENT**

Provide the best in parks and recreation by adhering to our values of integrity, innovation, cooperation, accountability, respect, and excellence.

### **2.2 VISION STATEMENT**

Enriching our community through parks and recreation.

### **2.3 VALUES**

#### **Integrity**

We place a high value on honesty, integrity and fairness in all actions, decisions, and encounters.

#### **Innovation**

We encourage creativity and embrace change.

#### **Cooperation**

Success is achieved through teamwork and partnerships.

#### **Accountability**

We accept responsibility for our actions and are committed to safeguarding resources.

#### **Respect**

We are aware and appreciate diverse interest and address all needs with consideration and accessibility.

#### **Excellence**

We commit to provide the best in parks and recreation.

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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 within the territorial limits of the Hoffman Estates Park District as may be modified from time to time, including 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 land and facilities heretofore identified in Section 1.4 of this Manual and all land and facilities as may hereafter be acquired, leased, licensed, possessed, laid out, or appropriated by the District are hereby declared to be in the possession and control of the District for park purposes and such related administrative purposes as permitted by law.

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 and improvements 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 Illinois Constitution of 1972, Illinois and certain federal statutes, Attorney General opinions and PAC rulings, and state and federal court decisions on matters relating to public parks, park boards, park districts and their governing laws, constitute the foundation of the legal status of the park board.

Park boards are constitutional state agents created by the legislature to provide park, recreation, and leisure services to the public. .

Park boards are empowered to enter into contracts, employ persons, sue or be sued, make rules and regulations governing their own procedures and those of parks under their jurisdiction, and purchase, exchange, hold and convey title to property, on behalf of and in the name of the park district. 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 applicable law.

Members of the park board are elected by the qualified electors residing within the territorial limits of the 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 at duly authorized and legally held meetings of the Board of Park Commissioners or otherwise as the Board may direct subject to law.

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## **4.0      ORGANIZATION**

### **4.1      BOARD OF PARK 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 Park 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 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 but not by limitation, 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 \$30,000.
- 4.1.02.14**    Approves park and facility major development/renovation plans.

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

The Board of Park 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 Board of Park 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.  
The District will budget on an annual basis appropriate funds to pay for such continuing education.

#### **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 **fourth** Tuesday in May for the purpose of electing and/or appointing board and community representatives to various boards, associations and committees as outlined below, and on the first Tuesday following the County Clerk's Office last day to conduct the canvass, administer the oath of office. The Board or Board President shall elect or appoint 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.

#### **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 meetings of the Board of Commissioners shall be held the fourth Tuesday of each month at 7:00 p.m., provided, however, that if the fourth Tuesday of a month falls 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 first business 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. Notice of such adjourned or continued meeting shall be provided as may be required from time to time by the Illinois Open Meetings Act.

#### **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 taken 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. Except as may be otherwise permitted by the Illinois Open Meetings Act and this Policy Manual, physical presence of the commissioners 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. Recess
6. Reconvene
7. Approval of Minutes
8. Comments from the Audience
9. Consent Agenda
10. President's Report
11. Adoption of Executive Director's Report
12. Old Business
13. New Business
14. Commissioner Comments
15. Executive Session
16. 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 a regular meeting 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. Meeting packets, if applicable, will be distributed to the Board and made available on the district's website 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 containing at least 30 signatures of Park District residents 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 three minute time limit per speaker per item, which limit may be increased at the discretion of the President or Committee Chair. Additional rounds of discussion from audience members is not customary and only occurs 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. There will be a 30 minute time limit for comments from the audience per discussion item which may be extended by a majority vote of the Committee or Board.

#### **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, except for certain matters where applicable law requires a super-majority vote. The president is a member of the Board and has the right to make and second motions, deliberate, and vote upon all questions.

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

New and Old business items shall be presented by staff to the committee or Board, followed by technical questions by the Committee or Board, followed by audience participation/questions, and then followed by Committee or Board questions and discussion. Once discussion has concluded a motion will be accepted for voting on the item which shall be seconded prior to a final vote being taken.

Robert's Rules of Order shall govern all other 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. A motion need not be made prior to discussion on an agenda item.

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. Minutes of all Committee meetings and Board meetings will include any questions asked via email communication prior to the meeting, as well as the staff responses, regarding information provided in the meeting packets. All minutes will be considered "unofficial" until adopted by the Board at a subsequent meeting. The Board shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. The minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the Park Board or committee. The Park District shall post approved minutes of meetings open to the public on the Park District's website within 10 days after the approval of the minutes by the Park Board or committee. Minutes of meetings open to the public posted on the Park District's website shall remain posted on the website for at least 60 days after their initial posting.

The Park District shall prominently display at each of its administrative offices, make available for inspection and copying, and send through the mail if requested, each of the following:

(a) A brief description of itself, which will include, but not be limited to, a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the Park District is required to report and be answerable for its operations; and

(b) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officer or officers, the address where requests for public records should be directed, and any fees allowable under Section 6 of this Act.

A public body that maintains a website shall also post this information on its website.

The Park District shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Act. The Park District shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

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 a link to the Park District's website page where minutes can be accessed.

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 every 6 months or as soon thereafter as is practicable, taking into account the nature and meeting schedule of the Park District, 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. Upon its completion of the review, the Board shall report in open session that (1) the need for confidentiality still exists as to all or part of those minutes, or (2) that the minutes or portions thereof no longer require confidential treatment and are 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 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 election to the Board of Park Commissioners 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.

#### **4.1.25 ELECTRONIC ATTENDANCE AT MEETINGS POLICY**

##### **I. Background and Purpose.**

The Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (the "Act"), requires that the actions of public bodies be taken openly and that their deliberations be conducted openly, except for certain limited circumstances that permit closed meetings. Section 7 of the Act provides that if a quorum of members of a public body are physically present, the public body may allow a member of the body to attend the meeting by a means other than physical presence subject to certain requirements and restrictions and to the extent allowed by rules adopted by the public body. See 5 ILCS 120/7. This Policy is intended to adopt certain rules and procedures for attendance at meetings by video or audio conference by members of the Board of Park Commissioners and members of the Park District's Subsidiary Bodies consistent with Section 7 of the Act.

## **II. Definitions.**

**"Electronic Attendance"** shall mean the attendance at a meeting of a Public Body by a member of that Public Body who is not physically present at the meeting but attends by either video or audio conference.

**"Public Body"** shall mean the Board of Park Commissioners of the Hoffman Estates Park District and all other Subsidiary Bodies of the Park District.

**"Subsidiary Body"** shall mean all Park District boards, committees and task forces other than the Board of Park Commissioners.

## **III. Member Qualifications for Electronic Attendance.**

Under this Section 4.1.25, a duly appointed member of the Public Body is qualified to attend a meeting of the Public Body electronically only if the member is physically prevented from attending the meeting by:

- (1) personal illness or disability;
- (2) employment purposes including the business of the Public Body; or
- (3) a family or other emergency.

## **IV. Procedures for Authorizing Electronic Attendance.**

The following procedures are required before a member of the Public Body is authorized to attend a meeting of that Public Body electronically:

A. Notice to the Clerk. The member must notify the District Secretary or his/her designee prior to the meeting that the member seeks to attend electronically unless advance notice is impractical. The notice shall provide the reason the member cannot be physically present at the meeting in accordance with Section III of this Policy.

B. Determination of Authorization of Electronic Attendance. Upon receipt of notice in accordance with Subsection IV.A, the Clerk or recording Secretary shall promptly forward the notice to the presiding officer of the Public Body. After determining if a quorum of the Public Body is physically present at the meeting that a member seeks to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the Public Body in accordance with this Policy, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by a majority of the members of the Public Body physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Public Body physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the Public Body and the presiding officer shall declare the requesting member present and authorized to deliberate, make motions, vote and attend closed session. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

## **V. Special Rules for Meetings Involving Electronic Attendance.**

A meeting of a Public Body at which any member has been authorized to attend electronically in accordance to Section IV of this Policy must be conducted in accordance with the following special rules, in addition to any other applicable rules and procedures of the Public Body:

A. Roll Call and Quorum. A quorum of the Public Body must be physically present at the meeting. Following the call of the roll, and at the conclusion of the procedures set forth in Section IV.B of this Policy, the presiding officer shall identify each member who is attending the meeting electronically.

B. Identification and Recognition of Electronic Attendees. Any member attending electronically must identify himself or herself each time the member wishes to speak and must be recognized by the presiding officer prior to addressing matters before the Public Body.

C. Public Access to Meeting. The speech of a member attending electronically shall be amplified in such a manner that it shall be generally audible to members of the Public Body who are physically present at the meeting. Also, any video image of a member attending electronically shall be projected in such a manner that the member's video image shall be generally visible and audible to members of the Public Body who are physically present at the meeting. In addition, the votes of any member of the Public Body attending electronically shall be generally audible at the location where such meeting is being held and expressly acknowledged by the presiding officer. When a member attends a closed meeting electronically, the member's speech shall be generally audible to all members of the Public Body who are physically present at the meeting, and the audio recording of the meeting required by the Act shall incorporate the speech of the member electronically attending the closed meeting.

D. Minutes. The minutes of each meeting of a Public Body shall identify which of the members of the Public Body were physically present and, if applicable, which members of the Public Body attended electronically. The minutes shall also reflect the reason for a member's attendance electronically (as described in Section III of this Policy), the fact that there was no valid objection to such attendance pursuant to this Policy, and the electronic means by which the member attended the meeting.

## **VI. Effect of Electronic Attendance.**

A member attending a meeting of a Public Body electronically shall be considered present at the meeting and entitled to vote on any matter before the Public Body as if the member were physically present at the meeting, provided that the member's attendance at the meeting electronically complies with the terms of this Policy.

### **4.1.26 ELECTRONIC ATTENDANCE DUE TO DISASTER DECLARATION RELATED TO PUBLIC HEALTH**

Subject to the requirements of Section 2.06 of the Illinois Open Meetings Act, but notwithstanding any other provision of law, an open or closed meeting of the Public Body or any of its Subsidiary Bodies may be conducted by audio or video conference, without the

physical presence of a quorum of the members, in the event that the following conditions are met (definitions of "Public Body" and Subsidiary Body set forth in Section 4.1.25 of this Manual shall apply to this Section 4.1.26 of this Policy Manual):

(1) the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the Park District is covered by the disaster area;

(2) the Park Board President determines that an in-person Public Body or Subsidiary Body meeting is not practical or prudent because of a disaster;

(3) all Public or Subsidiary Body members participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;

(4) for open meetings, any member of the public present at the regular meeting location of the Public or Subsidiary Body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the Public Body must make alternative arrangements and provide notice not less than 48 hours in advance of the meeting (or as soon as practicable in the event of a *bona fide* emergency) of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;

(5) at least one member of the Public or Subsidiary Body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and

(6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(7) Except in the event of a *bona fide* emergency, 48 hours' notice shall be given of a meeting to be held pursuant to this Section 4.1.26. Notice shall be given to all members of the Public or Subsidiary Body, shall be posted on the website of the Park District, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Illinois Open Meetings Act. If the Public Body declares a *bona fide* emergency:

(A) Notice shall be given pursuant to subsection (a) of Section 2.02 of this Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting.

(B) The public body must comply with the verbatim recording requirements set forth in Section 2.06 of the Illinois Open Meetings Act.

(8) Each member of the Public or Subsidiary Body participating in a meeting held pursuant to this Section 4.1.26 by audio or video conference is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(9) In addition to the requirements for open meetings under Section 2.06 of the Illinois Open Meetings Act, any Public or Subsidiary Body conducting a meeting hereunder must keep a verbatim record of each such meeting in the form of an audio or video recording. Verbatim records made under this paragraph (9) shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06 of the Illinois Open Meetings Act.

(10) The public body shall bear all costs associated with compliance with this Section 4.1.26.

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

### **4.2.01 OFFICERS**

The officers shall include the president and vice-president, both of whom shall be elected from and by 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 Park Commissioners shall appoint the Executive Director, as well as the attorney, neither of whom shall be a member of the Board.

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

All officers and additional officers of the Board shall be elected or appointed as the case may be at the annual meeting, and at such other times as a vacancy may occur. 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, in the form of Board meeting minutes.

#### **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.

#### **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, and such other divisions as may be created or arise from time to time. 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.

The district shall designate the Executive Director to complete annually the electronic training curriculum developed and administered by the Illinois Attorney General's Public Access Counselor regarding the Open Meetings Act, and will designate one or more additional staff member(s) to complete the same training annually.

#### **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 prepare, review and approve ordinances, resolutions, contracts, 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 after a hearing allowing for the testimony from said Commissioner.

#### **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. Commissioners shall receive no compensation for their services, but may be reimbursed for reasonable travel, meals and lodging expenses arising from engagement in the business of the Park District, pursuant to applicable state law and Park District ordinance or policy.

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

The Executive Director shall have the authority and responsibility to carry out 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 personnel as deemed necessary to assist in the daily operations of the district.
- 4.2.14.03** Approval of all full and part time job descriptions and part time salary ranges.
- 4.2.14.04** Approval of contracts and expenditures to individual vendors up to \$30000.00.
- 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.

**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 policy 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     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).

#### **4.2.18 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 shall be entitled to receive the same facility no additional cost benefits as full-time employees as outlined in the Personnel Policy Manual as requested by the past commissioner on an annual basis.

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.

#### **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 shall be entitled to receive the same facility no additional cost benefits as full-time employees as outlined in the Personnel Policy Manual as requested by the past employee on an annual basis.

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.

#### **4.2.20 COMMISSIONER USE OF DISTRICT FACILITIES AND SERVICES**

Commissioner use of District facilities and services is governed by Ordinance No. O-12-17 which states, in relevant part:

The Park Board of Commissioners declares that it is necessary and convenient to provide to the Commissioners free attendance to and participation in the District's facilities, property and seasonal non-individual direct cost fee base programs to assist them in exercising their duty to manage and control all of the District's property and to plan, establish and maintain recreational programs for the District's residents.

The Park Board of Commissioners declares that, to the extent it is necessary, the Park Commissioners shall receive feedback from the residents of the District concerning the District's facilities and programs to assist them in managing and controlling the District's property and planning, establishing and maintaining recreational programs, and it is in the best interests of the District for Commissioners to invite guests to attend and participate in

District programs and facilities in order to facilitate a free exchange of ideas and generate feedback.

For the purpose of assisting Commissioners in collecting feedback and ideas regarding existing or new facilities and programs of the District, the Park Board of Commissioners finds it necessary to permit up to 10 guests of each Commissioner, per quarter, to participate in and attend District facilities and seasonal non-individual fee based programs without charge.

The District shall provide a means to measure the free quarterly guest usage for each commissioner. Each quarter's usage shall be limited to the amount per quarter and is neither non-transferable nor cumulative and the commissioner must accompany the guest for such usage.

To further the free exchange of feedback and communication between residents and participants utilizing the District's programs and facilities, the Park Board of Commissioners further declares that in so much as a Commissioner may feel the need to accompany more than ten guests in a given quarter then those guests will be charged the then current District full-time employee guest rate.

- 4.2.21 Commissioners and their immediate family shall receive a 50% discount on food and non-alcoholic beverages at the Bridges of Poplar Creek facilities.

## **4.3 COMMITTEES**

### **4.3.01 CREATION OF COMMITTEES**

Committees may be appointed at the annual meeting and from time to time by the president as required with the consent of the Board. All committees are subject to all requirements of the Open Meetings Act.

### **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.

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.

### **4.3.03 STANDING COMMITTEES**

#### **4.3.03.1 COMMITTEE MEMBERS**

There will be two (2) Board members and no less than three (3) and no more than five (5) Community representatives appointed to each standing committee. Community representatives appointed to Board committees shall reside within park district boundaries, and be a registered voter for at least one year. Appointed Community representatives must be in good standing with the park district (no prior negative disciplinary, behavioral, or financial issues). Current employees of the park district, including full-time, part-time and contractual employees, are not eligible to serve on committees of the Board. Past employees are not eligible to serve on committees until three years have elapsed since separation. Past employees who are terminated for a violation of conduct are permanently barred from serving on committees. 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, and Assistant Secretary. Thereafter, an impartial random lottery selection shall be held to determine which Commissioner(s) shall serve as a voting Committee member. No committee or committee member may expend Park District funds, create Park District liabilities, or otherwise take any action binding on the Park District, except as may be expressly authorized in advance for specified purposes by the Board of Park Commissioners at a regular or special meeting. Pursuant to the Local Volunteer Board Member Removal Act, any community representative or member of an ad hoc committee appointed by the Park Board can be removed if they commit any misconduct, official misconduct or neglect of office.

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

Buildings & Grounds 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 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.

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

Administration & Finance Committee regularly scheduled meetings shall be held the fourth Tuesday of each month following the Park Board meeting agenda item "Recess".

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.

#### **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.

#### **4.3.03.5 RECREATION & FACILITIES COMMITTEE**

Recreation & Facilities Committee regularly scheduled meetings shall be held the third Tuesday of each month immediately following the Buildings & Grounds Committee meeting.

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.

#### **4.3.03.6 COMMITTEE OF THE WHOLE**

Committee of the Whole includes members of all current Board Committees as well as the current Park District Board of Commissioners. This committee meets throughout the year, as deemed necessary by the Park Board. Committee of the Whole involvement pertains to items that interact with all Committees and District operations (e.g., annual budget).

#### **4.3.03.7 QUORUM**

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

#### **4.3.03.8 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

#### **4.3.03.9 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.

#### **4.3.03.10 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.

#### **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 five (5) 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, and 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.

#### **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 on a standing committee and all Foundation Board Trustees may receive the following discounts for usage (or membership) of the following facilities based upon availability:
  - A. Seascape Aquatic Center: 50% off individual membership-
  - B. Bridges of Poplar Creek Country Club: 50% off driving range buckets of balls and TopTracer rental, and Employee Guest Rate 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
  - D. Willow Racquetball and Fitness Center: 50% off individual membership
  - E. The Club at Prairie Stone: 50% off individual membership 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.
  - G. A recreation program discount of 20% will be given for Community Representatives, Foundation Board Trustees and their immediate family members.
  - H. Facility rental discount of 20% will be given for Community Representatives, Foundation Board Trustees and their immediate family members
  - I. 50% discount on food and non-alcoholic beverages at the Bridges of Poplar Creek facilities.
2. 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.

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## **5.25 Transgender Policy**

### **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 PROCEDURE MANUAL**

The Director is responsible for creating and updating, or causing to be created, a district-wide procedure manual. The procedure 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 mean 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 while the individual is alive serves the best interests of the district.
- D. The Board at public meeting should first announce the proposed name of the park (requires a 5/7 vote).
- E. A park name 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 substantiated extenuating circumstances arise, the 60 day official waiting period may be waived at the discretion of the Board before the confirmation vote.
- F. A 5/7 vote by the Board is required to name a park, or to change the name of an undedicated park.

## 5.06 **SALE OF REAL ESTATE AND SALE/DISPOSAL OF 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 law governs the sale, lease, or license of real estate and shall be adhered to in all instances.

Requests to either sell, lease, or license District-owned property when the District anticipates 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. For property with an initial or current fair market value of more than \$500, 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. For property with an initial and current fair market value of \$500 or less, the conveyance or sale may be authorized by the Executive Director.

## **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 shall 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/developer 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 and 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 everyday 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.

## **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 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 Best of the Best of Hoffman Award:

This award will be given to someone who 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.

#### **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. A hearing after a suspension or debarment under this section will be provided if required by applicable law. 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.

## **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 the Executive Director and he will also 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 of whether they originated from the individual's personal electronic device, or a device issued by the District.

## **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 structures 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.

## 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.*

## **5.22 SOCIAL MEDIA**

Communicating with the Hoffman Estates Park District through social media enables customers to communicate in a direct and meaningful way. The Hoffman Estates Park District engages customers through many social media websites, including, but not limited to, [heparks.org](http://heparks.org), Facebook, Twitter, YouTube, Foursquare, Flickr, LinkedIn and Pinterest. HE Parks maintains multiple accounts on social media websites, including, but not limited to: HE Parks Ice Arena, HE Parks Preschool, The Club, Bridges of Poplar Creek Country Club, HE Parks Youth Theater, Bo's Run & Freedom Run off Leash Dog Parks. This document pertains to all HE Parks social media accounts and websites maintained by HE Parks.

This policy establishes procedures for the administration and use by the District of Internet resources commonly referred to as "social media sites." The purpose for use of social media sites is to obtain and disseminate information useful to and about the District. The District encourages the use of social media to further the goals of the District, subject to the terms and conditions set forth in this social media policy.

The District's primary and predominant Internet presence is the District's website (<http://www.heparks.org>). The District's social media sites are intended to supplement its website. A District social media site is not intended to be a public forum and the comments and discussions that take place on the site will be moderated by the District for compliance with this policy and the terms of use of the respective social media site. Please be aware that when engaging with the Hoffman Estates Park District over social media, you agree to the following:

### **Commenting on a Hoffman Estates Park District Social Media Account**

The Hoffman Estates Park District shares information, images and video with the public through external social media websites. Comments made by the public to these sites are reviewed by HE Parks Staff. A comment may be deleted if it violates the terms of this policy. The Hoffman Estates Park District, in its sole discretion, reserves the right to remove content from HE Parks social media accounts at any time when the content violates this policy or any applicable law. The District also reserves the right to deny access to District social media sites for any individual who violates this policy or any applicable law, at any time and without prior notice.

Comments should relate to the posted topic for the Hoffman Estates Park District's social media page or post. Hoffman Estates Park District social media accounts are not meant for general comments unrelated to the social media website or district program. For general comments or concerns regarding, relating, or referring to HE Parks, please visit [heparks.org](http://heparks.org) or call 847-885-7500.

You and any information you share with or post to official HE Parks social media accounts are subject to the terms of use of the host site and may be used by the owners of the host site or the Hoffman Estates Park District for its own purposes. For more information, consult the host website's terms of use.

Hoffman Estates Park District social media accounts or blogs are not open to comments promoting or opposing any person campaigning for election to a political office, or promotion or advertisement of a business or commercial transaction. Profanity, hate speech, or the use of

obscene, threatening or harassing language is prohibited.

Personal attacks of any kind or offensive comments that target or disparage any specific person, group, ethnicity, race, age, or religious group, gender, sexual orientation or disability status are prohibited. The Hoffman Estates Park District has a comprehensive Anti-Bullying Policy that includes cyber-bullying. Please refer to our Anti-Bullying policy (<http://www.heparks.org/general-information/anti-bullying-policy/>) at [heparks.org](http://www.heparks.org).

Comments advocating illegal activity or posting of material that violates intellectual property rights of others are prohibited. District social media sites and any content maintained in a social media format that is related to District business may be a public record subject to public disclosure under the Illinois Freedom of Information Act.

### **User-Created Content**

Where the host website allows users to post content, users are welcome to submit or post content they create (including photographs and videos) to an official Hoffman Estates Park District social media page. However, the content must meet the standards articulated in both the host website's terms of use as well as this social media policy, and pertain to the subject of the social media site. Users may only post their own, original content. Reproduced or borrowed content that reasonably appears to violate third party rights will be removed.

### **Reasonable Accommodation**

Every effort is made to ensure that the Hoffman Estates Park District's website ([heparks.org](http://heparks.org)) is accessible to individuals with a disability. Host sites maintain accessibility separately. To request a reasonable accommodation when accessing Hoffman Estates Park District social media sites, please contact the Communications & Marketing Manager at 847-781-3672.

This social media policy is subject to amendment or modification at any time.

## **5.23 NETWORK SECURITY**

The Internet is a worldwide network of computers that contains millions of pages of information. Although our Comcast Public Modem's built in firewall limits access, users are still cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on the internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the internet do so at their own risk and the Hoffman Estates Park District is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at the Hoffman Estates Park District is governed by the following policy:

### **Permitted Use of Internet and HE Parks Public Wireless Network**

The public wireless computer network is the property of Hoffman Estates Park District (HE Parks) and may only be used for legitimate purposes. All users have a responsibility to use HE Parks' computer resources and the Internet in a professional, lawful and ethical manner. Abuse of the network or the Internet, may result in civil and/or criminal liability.

## **Accessibility**

Users of the HEParks 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.

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 download unauthorized software from the Internet onto their Mobile device or computers.

The Information Technology Manager shall be designated as the Security Administrator for the District.

## **Public Wi-Fi Terms & Agreement**

By accessing the public wireless network, you acknowledge that you're of legal age, you have read and understood and agree to be bound by this agreement.

The public wireless network is a service provided by HEParks and is completely at their discretion. Your access to the public wireless network may be blocked, suspended, or terminated at any time for any reason.

You agree not to use the public wireless network for any purpose that is unlawful and take full responsibility for your acts.

You agree not to use the public wireless network to access inappropriate websites.

The public wireless network is provided "as is" without warranties of any kind, either expressed or implied.

By utilizing the public wireless network, you agree to comply with all provisions of the current Hoffman Estates Park District Public Wireless Network Policy which is incorporated by reference herein.

## **Hoffman Estates Park District Public Wireless Network Policy**

This service enables you (hereinafter referred to as "user") to access the Internet via wireless for free. This is a free and voluntary service.

The user shall be permitted to use the wireless service exclusively as a patron of Hoffman Estates Park District (hereinafter referred to as "HEParks").

The user undertakes to refrain from any use, which could put public order and safety or morality at risk or which violates laws and molests or frightens other Internet users. The user, in particular, undertakes not to use this Internet access for file sharing programs. The user furthermore undertakes not to use the bandwidth excessively (i.e. for video/audio streaming, voice-over-internet protocol (VoIP) services, online gaming, etc.), since his/her Internet access is shared with other users. In case of violation of these conditions for use, He Parks reserves the right to block individual end devices (i.e. laptops, tablets, mobile phones, etc.) for use of this wireless network.

The user is familiar with the risks of the Internet, and he/she alone shall be responsible for his/her protection (i.e. an up-to-date anti-virus program, non-starting of suspicious programs/files, etc.). HE Parks will not accept any liability for faults, interferences or damages arising from using the Internet via the wireless service or configuration changes of the end device by the user. HE Parks does not guarantee that the service offered will be available without interruption and/or that the desired connections can always be established or maintained. Compensation of damages of any kind, including consequential damage of third parties and damage from claims of third parties, shall be excluded in any case as far as legally admissible.

The user agrees that the technical data of his/her end device (i.e. MAC address, IP address, device type, etc.) are stored and analyzed by HEParks for the purpose of interference suppression and bandwidth control.

The public wireless network is unencrypted and unfiltered. Use of the public wireless network is done at the user's own risk. By using this wireless network, the user acknowledges that security errors and hacking are an inherent risk associated with any wireless service. For that reason, the user expressly agrees that they knowingly assume such risk, and further agree to hold HEParks harmless from any claim or loss arising out of, or related to, any such instance of hacking or other unauthorized use or access into the user's computer.

It is strongly recommended that you do not use the public wireless network to transmit personal, financial or legal data. It is not possible for HEParks to protect you against malicious theft or interception of such data transmitted over our public wireless network.

HEParks accepts no responsibility for any software downloaded and/or installed, programs or email opened, or sites accessed while users are on the public wireless network. Any damage done to the user's equipment from viruses, spyware, or other internet-borne programs is the sole responsibility of the user; and the user holds harmless the Hoffman Estates Park District from any such damage.

HEParks accepts no responsibility regarding the ability of user owned equipment to connect to the public wireless network. HE Parks staff will not change settings on user equipment.

The Hoffman Estates Park District retains the right to amend this Public Wireless Network Policy as needed.

## **5.24 PAYMENT CARD INDUSTRY (PCI) SECURITY STANDARDS**

### **Our Commitment to Privacy**

Our Privacy Policy was developed as an extension of our commitment to combine the highest-quality products and services with the highest level of integrity in dealing with our clients and partners. The Policy is designed to assist you in understanding how we collect, use, and safeguard the personal information you provide to us and to assist you in making informed decisions when using our site, products, and services. This statement will be continuously assessed against new technologies, business practices, and our customers' needs.

## What Information Do We Collect?

When you visit our website you may provide us with two (2) types of information:

1. Personal Information you knowingly choose to disclose that is collected on an individual basis.
2. Website Use Information collected on an aggregate basis as you and others browse our Website.

### *1. Personal Information You Choose to Provide*

For example, you may need to provide the following information:

- Name
- Mailing address
- Email address
- Home and/or business phone number
- Credit card number
- Other personal information

If you choose to correspond with us through email, we may retain the content of your email messages together with your email address and our responses.

### *2. Website Use Information*

Similar to other commercial websites, our website utilizes "cookies" (see explanation below, "What Are Cookies?") and web server logs to collect information about how our website is used. Information gathered through cookies and web server logs may include the date and time of visits, the pages viewed, and time spent on our website. This information is collected on an aggregate basis. None of this information is associated with you as an individual.

## How Do We Use the Information That You Provide to Us?

Broadly speaking, we use personal information for purposes of administering our business activities, providing customer service, and making available other products and services to our customers and prospective customers. Occasionally, we may also use the information we collect to notify you about important changes to our website, as well as new services and special offers we think you will find valuable. The lists used to send you product and service offers are developed and managed under our traditional corporate standards designed to safeguard the security and privacy of our customers' personal information.

## What Are Cookies?

Cookies are a feature of internet browsers that allows web servers to recognize the computer used to access a website. Cookies are small pieces of data that are stored by a user's internet browser on the user's hard drive. Cookies can remember what information a user accesses on one web page to simplify subsequent interactions with that website by the same user or to use the information to streamline the user's transactions on related web pages. This makes it easier for a user to move from different web pages to complete commercial transactions over the internet. Cookies should make your online experience easier and more personalized.

## How Do We Use Information We Collect from Cookies?

We use internet browser software tools such as cookies and web server logs to gather information about our website users' browsing activities, in order to constantly improve our website and better serve our customers. This information assists us to design and arrange our web pages in the most user-friendly manner and to continually improve our website to better meet the needs of our current customers as well as prospective customers.

Cookies help us collect important business and technical statistics. The information in the cookies lets us trace the paths followed by users to our website as they move from one page to another. Web server logs allow us to count how many people visit our website and evaluate our website's visitor capacity. We do not use these technologies to capture your individual email address or any personally identifiable information about you although they do permit us to send focused online banner advertisements or other such responses to you.

## Sharing Information with Third Parties

We do not share, rent, or trade information with third parties for their promotional purposes. We may enter into alliances, partnerships or other business arrangements with third parties who may be given access to personal information including your name, address, telephone number and e-mail for the purpose of providing you information regarding products and services that we think will be of interest to you.

We also use third parties to facilitate our business, including, but not limited to, sending e-mail and processing credit card payments. In connection with these offerings and business operations, our partners and other third parties may have access to your personal information for use in connection with business activities.

## How Do We Protect Your Information?

### Payment Card Industry Data Security Standard (PCI DSS)

The PCI DSS is a set of data security requirements established and governed by VISA, MasterCard, American Express and Discover to protect cardholder account information. PCI DSS includes best practices to identify vulnerabilities, processes, procedures, and website configurations. These practices help us protect ourselves against security breaches, safeguard your data, and protect the integrity of electronic payments. Annually we complete a PCI self-assessment questionnaire as well as undergo a monthly vulnerability scan performed by Trustwave in order to maintain our PCI certification. Maintaining our compliance helps to build the right security to protect your customer data and prevent theft and fraud.

### Secure Information Transmissions

E-mail is not recognized as a secure medium of communication. For this reason, we request that you do not send private information to us by e-mail. Some of the information you may enter on our website may be transmitted securely via Secure Sockets Layer SSL, 128-bit encryption services. Pages utilizing this technology will have URLs that start with HTTPS instead of HTTP.

## Certain Disclosures

We may disclose your personal information if required to do so by law or subpoena or if we believe that such action is necessary to (a) conform to the law or comply with legal process served on us or Affiliated Parties; (b) protect and defend our rights and property, the Site, the users of the Site, and/or our Affiliated Parties; (c) act under circumstances to protect the safety of users of the Site, us, or third parties.

## What About Other Websites Linked to Our Website?

We are not responsible for the practices employed by websites linked to or from our website nor the information or content contained therein. Often, links to other websites are provided solely as pointers to information on topics that may be useful to the users of our website. Please remember that when you use a link to go from our website to another website, our Privacy Policy is no longer in effect. Your browsing and interaction on any other website, including websites which have a link on our website, is subject to that website's own rules and policies. Please read over those rules and policies before proceeding.

## Your Consent

By using our website you consent to our collection and use of your personal information as described in this Privacy Policy. If we change our privacy policies and procedures, we will post those changes on our website to keep you aware of what information we collect, how we use it and under what circumstances we may disclose it.

We reserve the right to modify this privacy statement at any time, so please review it frequently. If we make material changes to this policy, we will notify you here, by email, or by means of a notice on our home page.

## Customer Surveys

From time to time, we may conduct customer satisfaction surveys concerning our services, programs and usability functions related to our website in order to improve our services and programs. We welcome customer feedback, always, but the contact information requested in the survey is optional. We also occasionally share this survey data with third parties, but only in a cumulative, statistical format, without disclosing any personal or identifiable information.

## Security

The security of your personal information is important to us. When you enter sensitive information (such as credit card number) electronically on our registration or order forms, or have your credit/debit card swiped at one of our designated service desks, we encrypt that information using secure socket layer technology (SSL) encryption protocol as provided by our gateway processor. To learn more about SSL, follow this link <http://www.geotrust.com/> Sensitive information (such as credit card or financial institution numbers) provided hand written is entered in 3rd party gateway software as quickly as possible. Once this information has been processed, the written information is rendered unreadable with the exception of the first 4 and last 2 digits. Those digits are kept only as a means of identifying to the customer which information was supplied. Even after the information is rendered unreadable, these documents are kept in a secure environment.

We follow generally accepted industry standards to protect the personally identifiable information submitted to us, both during transmission and once we receive it. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security.

## **5.25 TRANSGENDER POLICY**

All transgender employees, patrons, and participants are afforded all protections as provided by Federal and State laws, including civil rights laws. Each situation of employment, facility usage, or program participation will be evaluated on a case-by-case basis in order to ensure the rights of all parties involved are recognized and protected.

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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 Park 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 publish a notice of the availability of the audit report one time in an English language newspaper published in the Park District, or if no newspaper is published in HE Park District's territorial limits, then in a newspaper printed in the English language published in Cook County. The notice of availability shall include, at a minimum, the time period covered by the audit, the name of the firm conducting the audit, and the address and business hours of the location where the audit report may be publicly inspected.

#### **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) Any other documents or reports required by law

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## **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 Board-approved purchasing policy.

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

District disbursements are electronically signed with the signatures of the Executive Director and Division Director of Finance and paid by either ACH or check with Board approval. Electronic positive pay files sent to the District's financial institution prior to check release serves as automated control against fraud.

Purchases for all expenditures should utilize the District cash back credit card whenever possible. These purchases may be made after proper purchase order approval or within the employee's level of authorization as long as the purchase order is then obtained the next business day. These purchases shall be done on the district issued credit card by the department making the purchase. Payments to these credit card vendors shall be processed to ensure timely payment.

General Fund Account: District checks and credit card payments may also be issued without prior Board approval that are routine, due for payment each month or are financially advantageous, 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
- Independent contractors

These "interim" payments are to be documented and post approved by the Board at the next regularly scheduled Board meeting. These payments shall be identified as either check or form of credit card in the Invoice Register for Board approval.

All other checks to be issued shall be done so after the Board's approval of the Invoice Register that itemizes each payment type by listing vendor, amount, invoice number, general ledger account, and the fund and department being charged for the expenditures. The Board will review the Invoice Register at the official monthly Board meeting and vote on final approval. All disbursements are electronically 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 are electronically signed.

#### **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 Cooperation 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.

Membership in a self-insured risk 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 changes 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).

## **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 and the Director, Board President and Board Treasurer~~ will be authorized signers on the District's investment and Depository 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 guaranteed by the full faith and credit of the United States of America as to principal and interest and bonds notes debentures or other similar obligations of the United States of America, its agencies and its instrumentalities.
- 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 such obligations.
- 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.

## **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.

#### **7.11 PETTY CASH**

Funds for the procurement of supplies and services, which by their nature require cash payment (less than \$5100.00) 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. 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	Up to \$1,000
Division Director	Up to \$5,000
Finance Director	Up to \$15,000
Executive Director	Up to \$30,000
Board of Commissioners	Above \$30,000

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 \$100 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 \$5,000 require at least three (3) competitive quotes whenever possible.

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, the District may utilize the official state issued bid program or may utilize District approved joint purchasing programs.

## **7.14 LEGAL BIDDING PROCEDURES**

To acquire by gift, legacy, or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials or work involving an expenditure in excess of \$25,000 shall be let to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality, and service ability, after due advertisement, excepting contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports,

contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports and exception where funds are expended in an emergency and such emergency expenditure is approved by  $\frac{3}{4}$  of the members of the board.

All competitive bids for contracts involving an expenditure in excess of \$30,000 must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening.

For purposes of this section, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

Purchases of goods or services estimated to exceed \$30,000 in value, and not entitled to one of the aforementioned exceptions, 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 Payment and Performance Bonds, 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 acceptable Performance and Payment Bonds.

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

The successful bidder shall furnish Performance and Payment Bonds in an amount equal to one hundred percent (100%) of the contract awarded and payment of all obligations thereunder. Bond forms shall be AIA-311 and A-312 or equivalents 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, elect to re-advertise for bids and pursue a bid surety/bond claim if applicable. 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 and such greater amounts that the District may be entitled to recover, regardless of whether bidder provided a bid surety/bond.

## **7.20 PAYROLL / PERSONNEL**

Bi-Weekly Payroll: All staff shall be paid on a bi-weekly basis adhering to all state and federal laws.

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

- W-4 Federal & ILL W-4 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;
- 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 Executive Director for approval. After obtaining approval, only then can the position be offered to the individual.

## **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

## **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.

Assets will be depreciated utilizing a straight-line method based on the following period of service.

Land Improvements	15 years
Construction	10 – 15 years
Machinery/Equipment	07 – 15 years
Vehicles	08 years

## **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 Principles.

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, internal controls and procedures, 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.

### **7.32 FUND BALANCE RESERVE**

The Fund Balance Reserve Policy is to ensure compliance with the Governmental Accounting Standards Board (GASB), which governs financial reporting requirements for our municipality. This new standard (GASB 54) requires that the District establish a fund reserve policy which specifically outlines the reasons why and specific uses thereof that the district has accumulated and has reserve balances in our funds. The new policy still specifies the delineation of reserved funds, those balances legally restricted to a specific use or unavailable for appropriation and the unreserved funds, those available for future uses. Under GASB 54 fund balances must now be broken down into five more specific and stringent components:

- Non-spendable
- Restricted
- Committed
- Assigned
- Unassigned

The first two “reserved” categories are fairly straight forward and based on the nature of the underlying asset that comprises that amount of the fund balance. Non-spendable items are those amounts that are assets to the district but cannot be spent: capital assets, inventories, prepaid assets, and long term receivables, are all assets that are not expected to be converted to a cash amount and therefore will be categorized as Non-spendable.

Restricted balances are amounts that are constrained by creditors, grantors, contributors or by law. All taxes levied, with the exception of those levied under the corporate levy, are considered restricted as they must be used for the purposes legally granted under the taxing authority of the District. The balances in the funds where these taxes are recorded (Recreation, IMRF, Debt Service, Special Recreation, and FICA) are either reserved or restricted. Other examples of restricted balances would be bond proceeds held in escrow for a pending refunding, grants for a project that has not been completed or donations for a specific project/purpose not yet fulfilled.

The next three components determine the district's plan for establishing, maintaining, and utilizing the "unreserved" portion of the fund balances.

Committed fund balances are a formal measure at the highest level by policy, ordinance, or resolution establishing an amount of funds to be used for a particular purpose for the district.

Assigned fund balances are those amounts where a specific intent has been established for utilizing the funds. It does not require an actual formal action. Most funds that are not designated by one of the more restricted levels for a given governmental fund will usually be classified here as assigned for the specific purpose of that fund. Deficit budgeting to utilize cash on hand is an assignment of funds and would be reported in this category.

Unassigned fund balances would be the remainder of the fund balance either positive or negative for any given fund.

In order for the district to establish the appropriate levels for its unreserved classifications the district must establish the policy to include the appropriate amount of unrestricted funds. Unassigned fund balances take into account areas of vulnerability for the district as well as certain long term funding requirements and exist as protection to taxpayers from future fluctuations in service delivery. The minimum reserves should be maintained to meet the district's needs for contingencies and emergencies including disruptions in revenue streams, especially availability and timing of tax receipts as well as reliance on potentially unstable economic conditions that may disrupt available funding. There could be completely detrimental events such as the loss of a major taxpayer, success of major tax appeals or potential decreases in taxing areas due to economic development plans. All of these things can have an immediate and severe impact on the district and there must be adequate reserves to enable the district to meet all of its short term needs while plans are formulated to adjust and create long term solutions. Additional reserves may be required in order to supplement the long term capital funding plan for the district.

General Fund	40% Optimal Reserve
All other funds	25% Optimal Reserve

### **7.33 NON-BUDGETED EMERGENCY PURCHASE PROCEDURE POLICY**

In certain situations, transfers between line items in the budget may be necessary to cover the cost of unanticipated or emergency purchases. This may also include the need to make additional purchases or expenditures due to a related increase in revenues over anticipated amounts. Emergency purchases (non-budgeted) up to \$30,000 require the Executive Director's approval. These purchase will be appropriately categorized in an unbudgeted account to then follow the below process to amend the budget to reallocate funds to cover such purchases. Emergency purchases over \$30,000 require Board approval. If the purchase must be made prior to a Board meeting then this vote may be taken by the Executive Direct by phone or electronically and then ratified at the next regular Board meeting.

The Board may from time to time make transfers between the various items in any fund in such appropriation ordinance not exceeding in the aggregate 10% of the total amount appropriated in such fund by such ordinance, and may amend such budget and appropriation ordinance

from time to time by the same procedure as is herein provided for the original adoption of a budget and appropriation ordinance; provided that nothing in this Section shall be construed to permit transfers between funds required by law to be kept separate. However, during any fiscal year, the governing body of any Park District may adopt a supplemental appropriation ordinance subsequent to the adoption of the annual appropriation ordinance for that fiscal year in an amount not to exceed the aggregate of any additional revenue available to the Park District or estimated to be received by the Park District. The provisions of this Section and Section 4-4 of the Illinois Park District Code regarding publication, notice, and public hearing shall not apply to the supplemental ordinance or to the budget document forming the basis of the ordinance.

After the first 6 months of any fiscal year have elapsed the board may by two-thirds vote transfer from any appropriation item its anticipated unexpended funds to any other item of appropriation, theretofore made, and the item to which said transfer is made may be increased to the extent of the amount so transferred.

## **7.34 REIMBURSEMENT OF TRAVEL, MEAL AND LODGING EXPENSES POLICY**

### **A. Purpose.**

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

Employees shall receive the IRS stipulated per diem rate for cities in which they are traveling to. Meals provided by the conference, agency, or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the GSA regulations.

### **B. Definitions.**

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Travel" means any expenditure directly incident to official travel by employees and officers of the Park District involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

### **C. Authorized Types of Official Business.**

Travel, meal and lodging expenses will be reimbursed for employees and officers of the Park District only for purposes of official business conducted on behalf of the Park District. These include but are not limited to off-site or out-of-town meetings related to official business and pre-approved seminars, conferences and other educational events related to the employee's or officer's official duties.

### **D. Categories of Expenses.**

**Airfare** – Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds. Travel purchased on individual credit cards that allow for additional no charge benefits (Ice, free checked bag) may be used and then reimbursed to the traveler.

**Personal Automobiles** – Mileage reimbursement will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or officer's residence. When attending a training event or other off-site official business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or officer's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.

**Automobile Rentals** – Travelers will be reimbursed for the cost of renting an automobile including gasoline expense while on District business as approved by the Executive Director.

**Public Transportation** – In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation is based on mileage from the agency office to the training site (not from the traveler's residence), regardless of the transportation method chosen. When attending training or business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the traveler's normal commute, reimbursement will be paid at the differential of the commute less the mileage of a normal commute to the workplace.

**Other Transportation** – The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.

**Hotel/Motel Accommodations** – The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges.

**Meals** – Meal reimbursement is limited to the current U.S. General Services Administration (GSA) regulations in place at the time the expense is occurred.

Prior approval by the Hoffman Estates Park District Board of Commissioners and submission of receipts are required for per diem allowances. Meals provided by the conference, agency, or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the GSA regulations.

Vacation in Conjunction with Business Travel – In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel, Meal, and Lodging Expense Report form and paid by the traveler.

Accompanied Travel – When a traveler is accompanied by others not on official business, any lodging, transportation, meals or other expenses above those incurred for the authorized traveler will not be reimbursed by the Park District.

Parking – Parking fees at a hotel/motel, conference center, or other site will be reimbursed

Entertainment Expenses – No employee or officer of the Park District shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.

#### **E. Approval of Park Commissioner Expenses.**

When a Commissioner incurs an expense covered by this policy, the Commissioner must retain all receipt(s), fill out the Travel, Meal, and Lodging Expense Form, and submit the form and receipts to the District. A check will be issued to reimburse the Commissioner for the expense incurred, up to the amount defined by the current GSA/IRS per diem rate. Expenses for travel, meals, and lodging of any member of the Park Board may only be approved by roll call vote at an open meeting of the Park Board.

**Commissioner Expenses.** Documentation of expenses must be provided in accordance with the reimbursement for any expenses incurred by a Commissioner for travel of education purposes. It is recommended that commissioners utilize a personal credit card for any expenses and then turn in the receipt log for reimbursement.

expense for travel, meals, or lodging may be approved under Section E of this Policy, the following minimum documentation must first be submitted, in writing, to the Business Department Travel, Meal, and Lodging Expense Report form:

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

All documents and information submitted in connection with this Policy are public records subject to disclosure under the Freedom of Information Act.

#### **G. Travel, Meal, and Lodging Expense Report Form.**

The Park District hereby adopts as its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Report form attached hereto and incorporated herein as Attachment 1.

**Attachment 1**

Report Form

Name of Official:

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Title/Position of Official:

---

Name(s) and Date(s) of the Activity/Event:

---

Check Number/PO Number (if applicable):

---

Credit Card Receipt Number (if applicable):

---

Description of the purpose of the expense:

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

Mileage (numerical total and starting point /destination): \_\_\_\_\_

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Meals:

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Parking:

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Hotel/Lodging:

---

Car rental:

---

Airfare:

---

Other Transportation (bus, train, taxi, car share, shuttle, etc):

---

/Officer's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Business Department Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*SECURELY ATTACH ALL RECEIPTS\*\*\*

## **7.35 REIMBURSEMENT OF EMPLOYEE EXPENSES**

### **A. Purpose.**

Hoffman Estates Park District will reimburse employees for all necessary expenditures that are incurred within the employee's scope of employment and directly related to services performed by the District.

### **B. Definitions.**

"Necessary Expenditures" are defined as all reasonable expenditures or losses required of an employee in the discharge of employment duties that inure to the primary benefit of the District.

### **C. Expenses Eligible for Reimbursement.**

In order to be qualified as reimbursable under this policy, the expense must be either required by the District or authorized by appropriate supervisory personnel in the employee's chain of command. Approval of expenditure amounts must comply with purchasing authority outlined in Policy 7.13.

### **D. Documentation of Expenses.**

**Expenses for Employees.** Per-diem money for all overnight stay training or education shall be issued in accordance with the GSA approved allocation by city where the event occurs. When an employee receives per-diem as an advance, the employee must maintain their own record of expenses and must return any unused per-diem.

For reimbursed expenses where per diems were not issued, Employees are required to provide supporting documentation within thirty (30) calendar days after the expense is incurred. If supporting documentation is unavailable or lost, the employee must prepare and sign a statement describing the expense. All documentation must be approved by the employee's immediate supervisor and submitted to the business department.

All documents and information submitted in connection with this Policy are public records subject to disclosure under the Freedom of Information Act.

### **E. Exclusion of Expenses.**

An employee is not entitled to reimbursement if the employee incurs an expense without adherence to the District's established policies and procedures, including this Policy and the District's Reimbursement of Travel, Meal, and Lodging Expenses Policy (7.34).

The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence.

~~Board approved 12/2018~~

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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
- The Club at Prairie Stone 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 application.

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 Seascope 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.

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

H. Military Discount

Active duty, active reserve, veterans, retired military, police or fire personnel and their immediate household family members, are eligible for a 10% discount on program registrations and memberships. Proof of service form must be provided at the time of registration.

## **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 are 100% and without processing fees.

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

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 \$30,000 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, recreational drugs, 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 \$30,000 (excluding digital sign usage) 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 \$30,000 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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## 9.0 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, motorized wheelchairs, 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, cannabis, 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. exclusive of approved special events and except for the Bridges of Poplar Creek where lights will range lights will be turned off by midnight. 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.~~ All single-occupancy rest rooms are designated as gender-neutral, and available for use by all. Transgender individuals may use the multiple-occupancy rest room consistent with their gender identity.

**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, buildings, equipment or other improvements, 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.**

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.

### **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.

### **9.3.12 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 Shall be governed by approved locations and based on ice thickness designated by the warning flag at each location. A red flag means ice fishing is not allowed.

### **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.
- (10) Electric bikes are prohibited from all walking and riding paths, unless being used without the motor. Otherwise, electric bikes are only allowed on the street or designated street bike lanes.

#### **9.3.16 SERVICE 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.

- 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.
- c. The District permits the use of trained service animals to assist an individual with a disability. Service animals are limited to dogs and miniature horses. Service animals must be housebroken if they are to accompany an individual into a District building. Service animals must be up-to-date with all required vaccinations.

Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for comfort, companionship, or emotional support, are not considered service animals and are not allowed at District facilities and premises, unless otherwise specifically permitted (such as a dog park).

#### **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 lawfully 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**

. Electric scooters may be utilized within the District's path system but at no time shall they exceed 15 mph. 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. With the exception of the Bridges of Poplar Creek Country Club, Hoffman Estates Park District is entirely smoke-free. No person shall smoke, burn, or exhale any cigar, cigarette, pipe, electronic cigarette, cannabis or any other device designed to inhale and/or exhale tobacco or any vaporizer related products (hereinafter "smoking") while on District property other than Bridges of Poplar Creek Country

**Club. Smoking of cannabis is strictly prohibited anywhere on any District property.**

2. While at the Bridges of Poplar Creek Country Club, no person shall engage in smoking within a building, 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, and facilities 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.
3. Smoking is prohibited within fifteen feet (15') of any outdoor eating establishment or facility at the Bridges of Poplar Creek Country Club.
4. Smoking is prohibited within fifty feet (50') of all designated program or special event areas at the Bridges of Poplar Creek Country Club.
5. Smoking is prohibited in/on any park district equipment or vehicle.
6. All personnel (staff, vendors, outside contractors, volunteers) are prohibited from smoking while working directly with the public.

### **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, drone 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 Parks and Planning 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 after issuance of the preliminary approval, an insurance certificate

evidencing the requisite insurance is not filed with the Director of Parks and Planning, 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, and by email provided applicant has provided a valid email address;

**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, or 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. Application for a waiver shall

be made on a form prescribed by the Director.

#### **9.4.7 FIRST AMENDMENT ACTIVITIES**

This policy is intended to address the criteria for engaging in activities protected by the First Amendment of the United States Constitution and Public Right of Way protections of the Illinois Compiled Statutes while on property owned or controlled by the Hoffman Estates Park District.

At each Park District facility, an area will be designated for first amendment activities along with parking spaces that should be used. Activities are prohibited from blocking access to the facility by patrons or staff. Groups comprised of greater than 25 people require a permit. The photographs at the end of this section identify areas designated for first amendment activities.

Parks throughout the District are intended for specific use that may conflict with gathering or free speech activities. These areas require a permit regardless of size to ensure that adequate parking is available and to ensure the first amendment activities do not prohibit the use of the location for its intended purpose. The District may deny an application for permit on any of the following grounds:

- a. the application for permit is not fully completed and executed;
- b. the applicant has not timely tendered the applicable application, indemnification and reimbursement agreement, or security deposit;
- c. the application for permit contains a material falsehood or misrepresentation;
- d. the applicant is legally incompetent to contract or to sue and be sued;
- e. 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;
- f. 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 park or part thereof;

- g.** 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;
- h.** the proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof;
- i.** 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, despite reasonable accommodations designed to mitigate such risks;
- j.** the applicant has not complied or cannot comply with applicable licensure requirements, policies or regulations concerning the sale or offering for sale any food, goods or services;
- k.** the use or activity intended by the applicant is prohibited by law, by the policies or policies of the District, or by the regulations of the District staff;
- l.** the applicant has not secured the requisite insurance; or
- m.** the applicant or the person 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.

No application for permit shall be granted unless accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the location upon conclusion of the use or activity. If it is determined by inspection that damage to District property is in excess of normal wear and tear and which requires repairs in excess of routine maintenance, the District will retain the security deposit or any portion thereof necessary to pay for the cost of repair. District staff shall give written notice of assessment of damages and retention of the security deposit by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on the application for permit.

No person or organization shall circulate or distribute in any indoor District property or cause them to be attached to vehicles or equipment parked on District property any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind.







## 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. No permit will be issued unless the applicant shall have first obtained any and all permits required by other jurisdictions to perform the work. The Director may require such other terms and conditions as he may deem necessary as a condition to the issuance of a Work Permit, in order to protect the property, programs, personnel and activities of the District.

### **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, inspection and legal services 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 property, environmental and 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;
- (e) Excess or Umbrella Coverage; and
- (f) Property/Casualty, Environmental, XCU Coverages.

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, 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 District policies and the relevant Illinois criminal statute(s).

### **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 case 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 aids 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.

## **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 purposes of the Park District. 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
- A fixed cost per acre as agreed upon utilizing the Villages land cash ordinance.

**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.

#### **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 presence 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 Park District 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 Clear 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 title insurance 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 or substantially interfere with 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 the amount equal to the parcel's fair market value, 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 instrument 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.

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 by the Park District shall occur at the later of Park District Board of Park Commissioners' action to accept conveyance, or the Park District's recording of the instrument of conveyance at its own expense. The Park District will apply for tax exempt status of the property promptly after acceptance and recording of the instrument of conveyance.

## **11.0 PERSONNEL POLICIES**

11.1 Personnel Policy Manual

11.2 Employee Safety Manual