



# Board of Commissioners Policy Manual

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# 1. INTRODUCTION

## 1.1 Forward

The Carol Stream Park District is a separate unit of municipal government, established in 1964, governed by a Board of seven elected commissioners who serve without pay. It is the intent of the Carol Stream Park District to effectively and economically provide recreational programs, facilities, and open space for the residents of the District, which are designed to provide wholesome, constructive, and enjoyable leisure time experiences that benefit the individual, the family and the community. The Board of Commissioners acts as the legislative and policy-making body of the District in the operation, control, improvement, and planning of its parks, recreation programs, facilities, personnel, and fiscal operations.

Policies of the District shall be established to provide for equal opportunities for use of areas and facilities through a community recreation program designed to meet the needs and interests of its residents. In relation to its personnel, the Park District will issue a copy of the Personnel Policy Manual to each full-time employee and a part-time and short-term Personnel Policy Manual to all part-time and short-term employees.

The District shall provide services, areas and facilities, which are consistent with its standards and objectives. Programs shall be planned, developed and operated consistent with the District's taxing structure and financial ability. They shall provide residents a broad and varied selection of year-round activities related to their recreational needs and interests. The District shall make available to its residents public property which has recreation values. It shall assume certain responsibilities in making other publicly owned property available for recreation use.

## 1.2 Mission Statement

The mission of the Carol Stream Park District is to enrich our community by fulfilling our residents' needs for healthy, accessible, quality recreation activities, parks and facilities, and to be responsible stewards of our community resources.

## 1.3 Administrative Objectives

- To implement an effective land acquisition program to permanently reserve substantial areas of recreational land to meet the needs of present and future District residents.
- To establish and maintain accurate and efficient budgeting and accounting systems.
- To use the most efficient methods to construct and maintain Park District facilities.
- To offer a variety of leisure programs to our residents.

## **1.4 Purpose**

The Board of Commissioners Policy Manual is intended to describe the existing policies of the District as they apply to the Board of Commissioners.

## **1.5 Statutory Authority**

The District is purely a creation of the State of Illinois legislature, and has no inherent powers, but only such powers as have been granted to it by the legislature, or as are necessarily implied to give effect to the powers specifically granted.

The District is governed by numerous statutes of the State of Illinois. (IL Compiled Statutes) However, the principle statutory authority is the Park District Code (70 ILCS 1205/1-1), which is codification of the general law relating to districts in Illinois. References and excerpts from the Park District Code and other related laws are made in this manual.

## **1.6 Legal Authority of the Manual**

In particular, the legal authority of this policy manual is (70 ILCS 1205/8-1(d)) of The Code, which reads as follows: "(d) 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, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed."

The statutes of the State of Illinois or any final court decision that is in conflict with the provisions of the policy manual shall supersede the provisions of this policy manual.

## **1.7 Definitions**

For the purpose of the policy manual, the following terms shall have the definitions given herein:

- A. "District" is the Carol Stream Park District, DuPage County, Illinois.
- B. "Board" is the Board of Commissioners of the Carol Stream Park District.
- C. "Director" is the Executive Director of the Carol Stream Park District.
- D. "Code" is "The Park District Code," (70 ILCS 1205/1-1) approved July 8, 1947, as amended.

For the purpose of this manual, words in the masculine gender shall include the feminine gender and words in the singular number shall include the plural number and vice-versa, and words in the present tense shall include the future tense.

## **1.8 Revisions**

The Board will review the policies contained in this manual every three years and revise or amend them as they deem appropriate at a regular meeting of the Board by a majority of its members, except whereby law or the provisions of the manual itself, a vote greater than a simple majority is required.

## **1.9 Separability**

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

# **2. GOVERNMENT**

## **2.1 Government**

The government of the District is vested in the Board. The Board constitutes the corporate authority.

## **2.2 Job Description**

The job of the Board is to make certain contributions which lead the District toward the desired performance and assure that it occurs. The Board's specific contributions are unique to its trusteeship role and necessary for proper governance and management.

Consequently, the "outputs" or job contributions of the Board shall be:

- A. A link between the organization and the residents of the Carol Stream Park District.
- B. Written governing policies which, at the broadest levels, address:
  - 1. Benefits: Organizational outputs, impacts, benefits, outcomes (what goods, for which needs, for which people, at what cost).
  - 2. Executive Limitations: Boundaries on the authority of the Executive Director which establish the prudence and ethics boundaries within which lies the acceptable arena of executive activity, decisions and organizational circumstances.
  - 3. Governance Process: Specification of how the Board conceives carries out and monitors its own tasks.
- C. The assurance of the Director's performance.
- D. Legislative impact and intergovernmental cooperation.
- E. Conduct as an Elected Official:

While serving as a public official, discretion should be exercised when participating in activities as a private citizen, particularly when involving another public body, since such

actions could be interpreted as acting in an official capacity. In general, a commissioner only speaks as a Park Board authority during Board meetings.

When unsure if actions are within these guidelines, obtain an opinion from the Board.

### **2.3 Number**

The Board shall be comprised of seven (7) commissioners.

### **2.4 Term of Office**

Each term of office for a Commissioner shall be four (4) years. Terms are designated to expire on a staggered system. Commissioners shall serve until their successors are duly elected, qualified, and have taken the oath of office.

### **2.5 Delivery of Records to Successor**

A Board member leaving office should deliver to his or her successor in office all property, books, and effects in the prior officer's possession belonging to the District or pertaining to the office previously held.

### **2.6 Inauguration**

#### **A. Newly Elected or Re-elected Commissioners**

Newly elected or re-elected Commissioners shall be inaugurated at the first regularly scheduled Board meeting in May. The Secretary of the District shall inaugurate the newly elected Commissioners. See Exhibit A.

#### **B. Appointed Commissioners.**

Newly appointed Commissioners shall be inaugurated at the first regular Board meeting following their appointment.

### **2.7 Oath of Office**

All elected and appointed Board members, before entering upon the duties of his office, shall take and subscribe to the Oath of Office.

### **2.8 Qualifications**

Candidates for Commissioner must be a resident of the Park District for at least one year prior to the election (7-ILCS 1205/2-11). Candidates must be registered voters within the Park District.

## 2.9 Nominations

### 2.9.1. Nomination Papers

To get on the ballot, a candidate must file certain documents, referred to as “nomination papers,” which consist of petitions bearing voters’ signatures, a statement of candidacy and a receipt indicating the candidate has filed a statement of economic interests. The candidate may also file a loyalty oath and a code of fair campaign practices, both of which are optional. The statement of economic interests must be filed with the county clerk, who will issue the candidate a receipt (5 ILCS 420/4A-106). The receipt – not the original filed statement – along with the petitions bearing signatures and the statement of candidacy must be securely bound and filed with the Park District secretary not more than 113 or less than 106 days prior to the consolidated election

### 2.9.2. Signature Requirements

For the first election of officers, the minimum number of signatures required is 25 (70 ILCS 1205/2-9). Thereafter, candidates must file petitions signed by not less than two percent of the number of people who voted at the last election for trustee or commissioner in the District, but in no case can the number be less than 24 voters (70 ILCS 1205/2-11).

### 2.9.3 Prospective Candidate Information

The District will provide all prospective commissioner candidates with information about the District and what it means to be a Park Board Commissioner. This includes but is not limited to, history of the District, organizational information, promotional pieces, and literature produced by the Illinois Association of Park Districts and National Parks and Recreation Association.

## 2.10 Election

Commissioners shall be elected biennially to take the place of those whose terms expire. Such elections shall take place at the election provided for by the general election law (Illinois Compiled Statutes, (10 ILCS 5/1.1).

## 2.11 Vacancies in Office

### A. Declaring a Vacancy

Whenever any member of the governing board of any park district (i) dies, (ii) resigns, (iii) becomes under legal disability, (iv) ceases to be a legal voter in the district, (v) is convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony,



(vi) refuses or neglects to take his or her oath of office, (vii) neglects to perform the duties of his or her office or attend meetings of the Board for the length of time as the Board fixes by Ordinance No. 375 [see exhibit D], or (viii) for any other reason specified by law (70 ILCS 1205/2-25).

**B. Method of Filling Vacancies**

Vacancies shall be filled by appointment by a majority of the remaining members of the Board. The appointee (after the required vote) will be sworn in with the reference “to complete the term vacated by Commissioner \_\_\_\_\_.” Any person so appointed for this office, at which a member shall be elected to fill the vacancy for the unexpired term, subject to the following conditions:

- (1) However, if the vacancy occurs with less than 28 months remaining in the term, then the person appointed to fill the vacancy shall hold his or her office until the expiration of the term for which he or she has been appointed, and no election to fill the vacancy shall be held. (70 ILCS 1205/2-25).
- (2) If the vacancy occurs with more than 28 months left in the term, but less than 123 days before the next regularly scheduled election for this office, the person appointed to fill the vacancy shall hold his or her office until the second regularly scheduled election for the office following the appointment, at which a member shall be elected to fill the vacancy for the unexpired term (70 ILCS 1205/2-25).

## **2.12 Compensation**

Board members shall act as such without compensation. (70 ILCS 1205/4-1). Reasonable reimbursement for expenses incurred to the exercise of official duties in accordance with the Local Government Travel Expense Act (PA 99-06040) and Ordinance No. 502 is permissible. (See attachment.)

## **2.13 Expenses**

Opportunities to attend and participate in professional conferences, conventions, workshops, seminars, and technical meetings shall be provided at District expense subject to budgetary provisions. Legitimate expenses shall include registration fees, transportation, lodging, meals, and other business expenses in accordance with Local Government Travel Expense Act (PA 99-06040).

The District may establish membership in and pay dues for Board members to the National Recreation and Park Association (NRPA), and the Illinois Association of Park Districts (IAPD) or any other association approved by the Board.

Because both the NRPA and the IAPD serve the educational, legislative, and research needs of the Board, which subsequently benefit the District, and because members of the NRPA and IAPD boards of directors and committees are drawn from commissioners from throughout the nation and the state. The Board encourages its commissioners to serve on the boards and committees of NRPA and IAPD and shall reimburse any and all usual and customary expenses incurred by Board members which are directly related to their roles with those associations.

#### **2.14 Community Relations Activities**

The Board encourages its members to participate in a variety of community relations activities and shall reimburse any and all usual and customary expenses incurred by Board members who attend such activities as the official representatives of the District when so designated by the Board.

#### **2.15 District Programs and Facilities**

Current Board members and their immediate families are encouraged to participate in recreation programs, and use recreational facilities at the same fee levels as full-time staff, per the District's Personnel Policy. By doing so, the District attains critical, prompt and useful feedback and suggestions for betterment of services. Commissioners, using District services, are expected to provide feedback on their experience to the Executive Director.

The Board may elect to award Lifetime Fitness Center and Water Park Memberships to retiring Board members after a minimum of four years of service.

For the purpose of this section, immediate family shall mean the Board member's spouse, and dependent children/step-children under age 26. In the event of the death of a former or current Board member, the lifetime membership privileges may be afforded to the spouse and dependents under age 26. The Board reserves the right to make special accommodations on a case-by-case through a majority vote.

### **3. ETHICS AND CONDUCT**

Board members of the Carol Stream Park District are expected to be of high moral and ethical character and work together as a team to serve the community by delivering best in class park and recreation opportunities. In the discharge of their duties, Board members act collectively as a Board and not as individuals. Board members should always abide by the majority vote of the Board and support the determination of that majority. Also, an individual Board member should not speak for the Board unless authorized to do so by the Board. It would be improper and ill-advised for an individual Board member to make a

public pronouncement or engage in conjecture about a Board matter that has not yet been decided, an action of the Board, or any matter that has been discussed in an executive session of the Board. Because each action taken by a Board member in the course of his or her duties should be motivated by the District's best interests, a Board member should be free of undue outside influences and of self-interest. Board members shall abide by State laws related to conflicts of interests, financial or otherwise. A Board member shall advise the Executive Director of all memberships and financial interests that the Board member has in companies or organizations that are doing business with the District.

### **3.1 Practical Application of Ethics**

In accordance with this policy, Board members will educate themselves about and comply with all applicable federal, state and local laws, regulations, and ordinances governing the conduct of the Park District's elected officials. These include but are not limited to, the Public Officials Prohibited Activities Act, the Government Ethics Act, State Officials & Employee Ethics Act (and any related Park District ordinances), Official Misconduct, Bid Rigging Act, and the Illinois Human Rights Act.

In addition, Board members must:

- On an annual basis, file a statement of Economic Interests with the County Clerk of DuPage County.
- Always keep the best interests of the Carol Stream Park District in mind.
- Understand and respect the separation of Board responsibilities and functions from those of the Executive Director and staff.
- Refrain from communication and/or involvement with outside groups that interferes with ongoing administrative activity by staff.
- Be available and responsive to the residents of the District.
- Represent all the residents of the District and avoid partisanship based on special interests.
- Communicate with fellow Board members and the Executive Director.
- Understand and follow all provisions of the Illinois Open Meetings Act, including executive session confidentiality.
- Be properly prepared for Board deliberation.
- Avoid public promises or statements regarding a vote or position on an issue prior to an official meeting.
- Publicly support the implementation of majority decisions of the Board while maintaining the right to disagree.
- Respect the confidentiality appropriate to issues of a sensitive nature.
- Recognize that an individual Commissioner has no legal authority to determine policy, give directions to District personnel, or to act or speak

for the Board unless specifically authorized to do so by official Board action.

- When the Board must decide upon an issue about which a Commissioner may have an unavoidable conflict of interest, that Commissioner must observe all applicable ethical laws, rules, regulations and orders, including but not limited to, when applicable, disclosure of the interest, recusal from all discussion and deliberation, and abstention from any vote taking about the issue, or such other action as may be required by applicable state and federal law.
- Develop productive relationships with other elected officials at the federal, state and local level.
- Participate in Board development opportunities.

### **3.2 Ethics Act**

Commissioners will conduct the duties of office in accordance with Ethics Ordinance No. 361, approved May 10, 2004. See exhibit B.

### **3.3 Legal Authority**

The Board, as a whole, is the legal corporate authority of the District. As an individual, a Board member has no legal authority to determine policy, give directions to District personnel, or to act or speak for the Board unless specifically authorized to do so by official Board action.

### **3.4 Representation**

Board members represent all of the residents of the District and shall not represent special interest groups. Board members should not make public promises or statements regarding their votes or position on an issue prior to an official meeting.

### **3.5 Board Decisions**

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

### **3.6 Board Unity**

Board members should accept and endorse majority decisions of the Board and align themselves with Board policies, goals and objectives. Unless specifically delegated by the Board, an individual member has no power to act on behalf of or bind the Board. Such action by an individual Board member may result in personal financial liability. Additionally, a Board member has legislative immunity only during a convened and legally called Board Meeting.

### **3.7 Relationship to the Director**

Board members shall respect the delegation of authority and responsibility to the Director. Board members shall work directly with the Director rather than staff and shall not be involved in the day to day operations of the District. Requests for information concerning District operations and programs shall be posed to the Director. Suggestions for new policies shall be referred to the Director for study, appraisal and final recommendation.

Complaints and recommendations brought to the Board shall be turned over to the Director for investigation and disposition or for his recommendation as to disposition by the Board. Board members shall support approved actions of the administration.

### **3.8 Indemnification**

The Illinois Tort Immunity Act (745 ILCS 10/10-206) applies to officers, members of a board, commissioners or committees. Most of the statutory protections against causes of action arising under state law are contained in that Act. The immunities protect Board members for certain acts or omissions performed while performing their duties; it does not provide absolute protection against all claims. It expressly provides that it does not apply to cases brought under a breach of contract theory nor does it apply to, among other things, claims brought under the Worker's Compensation Act (745 ILCS 10/2-101). Additionally, the protections afforded by Illinois Law does not provide immunity against claims filed under federal law. The District's Director and Attorney will guide and advise the Board on matters that represent risk.

### **3.9 Non-Discrimination and Anti-Harassment**

Any commissioner of the Carol Stream Park District Board of Park Commissioners ("Park Board") who believes that s/he has been sexually harassed by another Park Board Commissioner may file a complaint with the Park Board President. If the Board President is the reporting person or is implicated by the allegation, the report can be made to any other Park Board Commissioner. Any report under this section must be referred to the District's legal counsel. The District's legal counsel shall promptly appoint a qualified independent attorney or consultant to review and investigate the allegations. The Executive Director and Board President are hereby authorized and directed to implement and administer the Policy in accordance with applicable law.

## **4.0 PRIMARY FUNCTIONS OF THE BOARD**

Although the Board is empowered to make all decisions affecting the operations of the District, it shall normally exercise its power by establishing policy and reviewing the implementation of policy by its officers and employees. The general corporate powers of the Board, as set forth in the Code, include, but are not limited to:

#### **4.1 Tax Levy**

Provide for the levy of taxes pursuant to the authority granted by the State Statute. Such levies shall provide for the generation of sufficient revenue to pay the cost of the District's operation.

#### **4.2 Allocation of Funds**

Adopt an annual budget and appropriation ordinance to provide the best possible facilities, programs and services to the public, and to establish and enforce controls for the expenditure of funds within the limitations of the budget.

#### **4.3 Making Adjustments**

Approve any required adjustments in the tax levy or budget, as specified by law. Enact periodic adjustments in the operational policies of revenue-producing or other facilities, as required to maximize benefit to the customer.

#### **4.4 Hire a Director**

Employ a Director as its chief administrative officer. The Board shall determine and adopt a process for an annual evaluation of the Director.

#### **4.5 Policies**

Adopt and review, every third year, a set of rules and regulations affecting all personnel in a document known as the Personnel Policy of the Carol Stream Park District.

Study, develop and adopt all other policies that will satisfy the park and recreational needs of the community, and see that such policies are effectively administered and up to date.

##### **4.5.1 Defining Policies and Administrative Procedures**

The Board recognizes the need for a document that contains the policies and administrative procedures that facilitate the operation of the District on a day-to-day basis.

##### **Policy**

A policy is a course of action defining the aims to be achieved by the District. Policies are officially approved by the Board. Policies address the purpose of the recreation system and provide the legal, ethical, and quality parameters for the operation of the District.

The formulation and adoption of these policies shall constitute the method by which the Board shall exercise its leadership in overseeing the District. Formulating policy is the primary responsibility of the Board

The formal adoption of policies shall be recorded in the minutes of the meetings of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

### **Procedures**

Procedures are the tactics, methods, and systems formulated, developed and implemented by the District staff to achieve the aims and purposes of Board policies.

The Director and staff shall have the responsibility of specifying the action required and designing the detailed arrangements under which they will be operated. These detailed arrangements and specific actions shall constitute the procedures governing the day-to-day operation of the District. They will be consistent with the policies of the Board.

## **4.6 Planning, Direction – Setting**

Through comprehensive and strategic planning, the Board will set direction for the development of parks, facilities, recreation activities and services. The vision is set by the Board for implementation of operational efforts conducted by District Staff.

Typically, the Board will approve the vision, mission and core values of the District, and the goals and direction provided by said plans.

## **5. OFFICERS OF THE BOARD**

### **5.1 Key Officers**

The officers of the Board, in addition to the President and Vice President prescribed by statute, shall be an Attorney and a Director, neither of whom shall be a member of the Board.

The President shall be the chairperson of the Board. It shall be his/her duty to prepare the Board Agenda, with the Board Secretary, and preside at all meetings when present; to sign all contracts and other papers authorized by the Board; to see that all orders of the Board are faithfully executed; and to represent the Board at community and ceremonial events.

The Vice President, in the absence of the President, or in the event of his refusal or inability to act, shall be vested with the powers and perform the duties of the President.

A commissioner must serve on the Board for at least one (1) year before being eligible to be elected as President of the Board.

The selection of Board President and Vice President is at the discretion and preference of the Board at their annual meeting.

As a guideline, the Board may limit terms of President and Vice President.

The appointment of officers should take into consideration their ability to attend or participate in Board functions beyond the regular Board meetings.

The office of Vice President should not be considered an automatic stepping stone to the office of President.

## 5.2 Appointed Personnel

The Board shall appoint a Secretary, Treasurer, Auditor, Attorney, and a Director; and, prescribe their duties and establish the term of appointment. The Secretary and Treasurer need not be board members, in which case the Board may fix their compensation. (70 ILCS 1205/408).

- A. The Board shall appoint annually a Director, and an attorney in the manner provided for officers herein, and may further employ such other employees, from time to time, as may be required or deemed desirable, defining and prescribing their respective duties and compensation. Such duties and compensation shall be reviewed by the Board prior to the annual meeting. The Board may also retain consultants and other independent contractors, from time to time, as may be required or deemed desirable, defining and prescribing their respective duties, services and compensation.
- B. Any officer or employee chosen or employed by the Board may be removed by the Board whenever, in its judgment, the best interests of the government of the District would be served thereby.
- C. Secretary - The duties of the Secretary shall include but not be limited to being present at meetings of the Board, preparing the agenda for all Board and Committee meetings and submitting it to the Board in advance of the meeting, keeping accurate records of all official proceedings of the Board, preparing and publishing such reports as are required by law and pertain to his office, administering oaths and affirmations, maintaining a correct and up-to-date copy of the District's policy manuals, keeping of the corporate seal of the District, causing to be published all ordinances required to be published by statute, giving notice of all regular and special meetings of the Board in the manner provided by law, supervising elections and referenda within the District, and performing such other duties as usually pertain to his office, as are required by law or as may be



delegated to him by the Board. It is recommended that the Board appoint the Director to the position of Secretary for effectiveness and expediency.

- D. Treasurer - The Treasurer shall be the chief financial officer and advisor to the Board. The duties of the Treasurer shall include, but not be limited to, acting as custodian of all monies and securities owned by the District and received by the District, causing such monies to be deposited in such bank or banks as may be from time to time approved and designated by the Board and causing such securities to be held in a place of safekeeping, causing to be prepared an annual statement of all receipts and disbursements of the District for the preceding fiscal year and causing the same to be published in accordance with the Statutes of the State of Illinois, and attending all meetings of the Board. It is recommended that the **Director of Finance & Information Technology** be appointed as Treasurer.
- E. Executive Director - The Executive Director shall be the chief administrative officer of and professional advisor to the District. The Board shall establish a job description for this position and shall delegate to the Director sufficient authority and responsibility to execute the Board's policies and establish standard operating procedures based on those policies, enforce established rules and regulations, and administer the daily operations of the parks, recreation programs, facilities, and services of the District for the benefit of the public. The Director may delegate his authority but he shall nevertheless be responsible to the Board. The Board shall perform an annual written evaluation of the Director, or more often as may be deemed necessary.

### **5.3 Attorney**

The Attorney shall be the advisor to the Board and for the District in all legal matters, and shall be in charge of the prosecution and defense of all litigation in which the District is interested. The duties of the Attorney shall include but not be limited to drafting or reviewing any ordinances, resolutions and agreements and other instruments required by the Board, giving opinions on all questions referred to him/her by the Board, and performing such other legal duties as are required by the Board. The Board shall review the compensation and working agreements of the Attorney.

### **5.4 Auditor**

The auditor shall conduct the annual audit of the District and present the results of the audit and recommendations to the Board. The Board will contract with an audit firm.

### **5.5 Additional Duties of Appointed Officers**

In addition to the duties herein above specified, each office shall perform other duties as may be required of him by the Board of Commissioners, or by law.

## **6.0 BOARD COMMITTEES**

### **6.1 Committee Establishment**

At the meeting at which the President of the Board is selected, or the first regular meeting thereafter, the President, with Board approval, shall establish any standing committees of the Board and charge them with their assignments for the next year. The standing committees will sit until the next election of the Board President.

Adhoc interim committees shall be appointed to study issues arising in their various categories and are terminated at the completion of the task at hand. All issues are analyzed from the standpoint of Board policy to direct and assist the staff in the administration of the District affairs. The conclusions arrived at by the various committees on all matters in their hands for analysis are presented by the chairman of each committee to the Board as a whole for consideration and official action. All vacancies shall be filled by appointment of the President, with approval of the Board, for the unexpired term. The Director and President shall be ex-officio members of all such committees.

### **6.2 Standing Committees**

All standing committees shall consist of at least two commissioners with one serving as chairman. All committees are governed by the Open Meeting Act (5 ILCS 120/1-6). The Standing Committees shall include but are not limited to:

- Committee of the Whole
- Finance Committee
- Personnel Committee

### **6.3 Liaisons**

The Board may also appoint liaisons or individual representatives, for various functions such as but not limited to: Legislative, and IAPD Annual Business Meeting.

### **6.4 Representative to WDSRA Board**

The Director, or his designee, will represent the Board and District on the Western DuPage Special Recreation Association board.

## **7.0 MEETINGS**

## **7.1 Open Meetings**

All official meetings of the Board are subject to the rules and regulations set forth in the Open Meetings Act (5 ILCS 120/2) and shall be scheduled, conducted and recorded annually.

## **7.2 Annual Meetings**

The annual meeting of the Board shall be held on the second Monday of May in each year, at 6:00p.m. This shall be the organizational meeting of the Board where the President and Vice-President shall be elected, and the Secretary, Treasurer, Attorney and Director shall be appointed. Chairmen of the Committees may also be appointed. Other business may be transacted at this meeting. Officers will be elected by voice vote. If elections do not occur at the second Monday in May, they are to occur no later than the second meeting in June.

## **7.3 Regular Meetings**

Regularly scheduled meetings of the Board shall be held on the second and/or the fourth Monday of each month according to a schedule adopted by the Board annually. Regular Business Meetings, open at 6:00pm.

If the designated meeting falls on a holiday, the date may be changed by the Board. Monthly, the Board may review the schedule and vote to adjust or alter for the coming month.

## **7.4 Special Meetings**

Special meetings of the Board may be called by the President on his own motion or on request of two or more Board members. Notice of any such special meetings shall be given as required by the Open Meetings Act (5 ILCS 120/2).

## **7.5 Place of Meetings**

All Board meetings shall be held at the Fountain View Recreation Center, 910 North Gary Avenue, Carol Stream, Illinois 60188. However, the Board may, from time to time change the place of any such meeting.

## **7.6 Closed Meetings**

The Board may hold a meeting closed to the public or close a portion of a meeting to the public for reasons which include but are not limited to discussion of personnel, land acquisition, litigation, collective negotiating, or Board appointed committee appointment. Any such closed meeting shall be held in accordance with the Open Meetings (5 ILCS 120/2). No final action on any Board matter may be taken at a closed meeting. Closed session meetings will be recorded to comply with PA 93-523, effective January 1, 2004.

## **7.7 Schedule and Notice of Meetings**

The schedule and public notice of all regular, rescheduled, or reconvened Board meetings for each calendar year shall be made available in accordance with the Open Meetings (5 ILCS 12/2).

## **7.8 Quorum**

A majority of the members of the Board shall constitute a quorum for each Board meeting and for the transaction of business.

## **7.9 Agenda**

The agenda for each Board meeting shall be determined by the Director with the Secretary, in conjunction with the President, and submitted to the Board in advance of the meeting.

The agenda for the Regular Business Meeting shall include, but not be limited to, Roll Call, Changes to Agenda, Approval of Minutes, Audience Comments (Listening Post), Discussion items, Action items and Adjournment.

### **7.9.1 Adding Topics to the Agenda**

The standard procedure for Commissioners adding items to the agenda shall be as follows:

1. Commissioners shall send topics for a meeting agenda to the Secretary or the President two Fridays prior to a scheduled meeting, but no later than Tuesday 12 noon prior to the same meeting.
2. The topic will generally be added to the agenda, however, the Board President may choose to not add it to a specific meeting's agenda. The item may be added to another meeting agenda via a motion, second and majority vote.
3. Any supporting material for the suggested topic will be delivered to the Secretary in time for copies to be placed with a summary of the topic in the Board of Commissioners meeting packet.
4. At the Board meeting, items or topics not on the posted agenda may be added for the purpose of discussion only by majority vote of the Board.
5. If the Board decides to not add the topic to that day's agenda, the topic may be added to the next meeting agenda.

### **7.9.2 Establishing a Consent Agenda**

A consent agenda may be presented by the President at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one

commissioner. Items not removed may be adopted by majority vote without debate. Removed items will be placed later on the agenda under action items.

The procedure for creating and then approving a consent agenda will be as follows:

1. A recommended consent agenda will be presented as part of the entire agenda.
2. The President will ask for a motion, and a second, to accept the consent agenda with additions or deletions from the Board.
3. Any single Commissioner may remove an item from the consent agenda.
4. A unanimous vote is then required to accept the amended/final consent agenda.
5. A separate motion is then made to approve all items on the consent agenda. (Voice or roll call vote).  
Note: A Commissioner may vote to create/accept the consent agenda and still vote against approval.
6. Items removed from the consent agenda will be added to the list of action items for that meeting.

## **7.10 Resident Participation**

Residents shall be invited to participate prior to the Board meetings during the "Listening Post," and at other times during the meeting when recognized by the President of the Board. The Board "Rules for the Listening Post" are as follows:

1. People may bring ideas, comments, questions or complaints to Board for their consideration and investigation.
2. Anyone wishing to address the Board must sign in and will state their name and address for the Minutes. They will be allotted three minutes to address the Board.
3. The President will guide interaction with members of audience; Commissioners may ask President to get clarification, or more information, and the President will give the floor to a Commissioner as is appropriate. The President has the added responsibility of keeping the Listening Post on track, and within the stated timeframe.
4. Questions are welcome. The Board will acknowledge questions, but will not necessarily answer that evening. However, the Board may commit to getting an answer to the individual.
5. Staff will typically respond to individuals within 48 hours. Response may be limited to a progress report. If the eventual answer is not satisfactory, individual should write to the Board, or come back before the Board. The Board shall be copied on all responses for Listening Post questions or requests.
6. Staff reports back to Board as necessary before next meeting.

Once the meeting moves from Listening Post to business matters at hand, the discussion and debate is solely amongst the Board with input from staff as allowed by the President.

Interaction with audience is allowed only at the suggestion of the President with the agreement of the Board.

Petitions may be submitted by residents in order to bring items to the attention of the Board and to request Board consideration. The petition item may be placed on the agenda of a future regular or special meeting to be discussed by the Board. The individual(s) responsible for the petition shall be notified at the earliest possible date that the Board has received the petition, as well as any action which has been decided upon.

### **7.11 Discussion**

The President shall limit discussion to matters pending before the Board and may suggest time limitations on discussion.

Staff or guests who are permitted or invited to address the Board on an issue, will be expected to limit their presentation to 10 minutes, with additional time as the Board President deems appropriate for questions from Commissioners. Each presenter will be asked to provide a printed document supplementing his/her oral presentation.

### **7.12 Ordinances, Resolutions and Motions**

All ordinances, resolutions and other proceedings of the Board shall be in writing and kept in a regular book of records, open to the public for inspection as prescribed by law. Illinois statute provides that the Board shall have the power "to pass all necessary ordinances, rules and regulations for the proper management and control of the business of the Board and the District and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction and to effect the objects for which such Districts are formed." (70 ILCS 1205/8-1(d)).

### **7.13 Voting**

A roll call vote shall be taken for the passage of all ordinances, and in all cases at the request of the Commissioner, and shall be entered upon the minutes of the proceedings. Resolutions and motions for all propositions to create any liability or for the expenditure or appropriation of money and general actions of Board business may be covered by a voice vote. The act of a majority of Commissioners present at a meeting at which a quorum is present shall be the act of the Board, except as otherwise required by the ordinances of the District, by state law, or unless the act of a greater number of Commissioners is required by any section of this policy.

### **7.14 Rules of Order**

Robert's Rules of Order shall govern in all questions or procedure not otherwise provided for herein. See exhibit C

## 7.15 Official Minutes

### 7.15.1 Open Meeting Minutes

The Secretary of the District shall keep written minutes of all Board meetings as specified by the Open Meetings Act (5 ILCS 120/2.06). All action taken by the Board at all regular and special meetings of the Board shall be done 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 in an official minute book. All minutes will be considered "unofficial" until approved by the Board at a subsequent meeting.

The official minutes book of the Carol Stream Park District shall be open for public inspection as specified by the Open Meetings Act (5 ILCS 120/2.06) and the Freedom of Information Act (5 ILCS 140/1).

The Secretary of the Board will ensure that minutes of open meetings are approved within 30 days after said meeting, or at the second subsequent regular meeting, whichever is later. Once approved, staff will post the approved minutes on the District's website and make available for public inspection within 7 days and will remain on the website for at least 60 days.

### 7.15.2 Closed Session Meeting Minutes and Recordings

1. The Secretary of the Board is responsible for:
  - a. Reviewing closed session minutes every six months.
  - b. Recommend to the Board which Closed Session minutes shall be made available for public inspection.
  - c. Arrange for the recording of such closed sessions.
  - d. Recommend to the Board Closed Session verbatim recordings that can be destroyed in accordance with Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c))
  
2. The Board of Commissioners is responsible for:
  - a. Making the final determination on the release of closed session minutes.
  - b. Making the final determination on the destruction of verbatim recordings.

3. Closed session minutes and recordings are kept in the District's Finance and Administration office.
  - a. Closed session verbatim records shall be in the form of a recording on a digital recorder.
  - b. Closed session minutes and recordings are securely maintained.
  
4. Access to the closed session minutes and verbatim recordings
  - a. Closed session meeting recordings will be retained electronically with restricted access. Access to Performance of an Employee recordings may be restricted from Executive Director review, as directed by Board President or designee, unless specifically authorized by the Board.
  - b. Members of the Board may review closed session minutes and listen to the closed session recordings in the presence of the Board Secretary or designee.
  - c. Copies of such recordings will not be made or provided to anyone unless specifically authorized by vote of the Board.

#### **7.16 Distribution of Board Meeting Agendas and Board Packets**

District staff will email (or provide electronic access) Board packets to each Board member on the Wednesday prior to the Monday Board meeting. In certain cases, these packets may be delivered to the Commissioners homes.

Packets may be supplemented with email documents to the Commissioners should the need arise. In all cases, the delivery of agendas and meeting information will comply with the Illinois Open Meetings Act.

#### **7.17 Remote Attendance**

The purpose of this Policy is to allow members of the Board of Commissioners of Carol Stream Park District to attend and participate in open and closed meetings of the Board by video or audio means as authorized by Section 7 of the Open Meetings Act, 5 ILCS 120/7, subject to the rules and limitations applicable to such attendance and participation as set forth in this Policy.

1. Definitions

Meeting - any open or closed meeting of the Board that is subject to the Act.

Qualifying Event:

- a. personal illness or disability;
- b. employment purposes or the business of the District; or
- c. a family or other emergency; or
- d. an unexpected childcare obligation.



Remote Means- video or audio conference only.

Secretary - appointed by the Board pursuant to Section 4-8 of the Code.

2. Remote Attendance Permitted

Subject to the limitations set forth in Section IV below, a Commissioner may attend any Meeting by Remote Means if the Commissioner is prevented from physically attending the Meeting because of a Qualifying Event.

3. Rules Of Procedure When Remote Attendance Utilized

- a. No Commissioner may attend any portion of a Meeting by Remote Means unless:
  - i. a quorum of the Board is physically present at the Meeting; and
  - i. he or she provides written notice to the Secretary specifying the Qualifying Event at least one hour prior to the Meeting at the District's principal office; and
  - ii. the Remote Means being utilized is fully functional so as to allow all Commissioners and any member of the audience to hear all communications taking place at the Meeting.
- b. No Commissioner may attend a Meeting by Remote Means for any reason other than a Qualifying Event.
- c. When any Commissioner attends any portion of a Meeting by Remote Means as permitted by this Policy:
  - i. the minutes of the Meeting shall so reflect that such Commissioner attended the Meeting by Remote Means; and
  - ii. Every Commissioner shall be identified during all Board discussions so that each Commissioner is aware of which Commissioner is speaking at all times.
- d. A Commissioner attending a Meeting by Remote Means shall:
  - i. be permitted to fully participate in the Meeting as if he or she were physically present, subject to the Board's guidelines and procedures for conducting the Meeting; and
  - ii. advise the Secretary and Board if he or she leaves or returns from the Meeting; and
  - iii. advise the Secretary and Board of all other persons in the same room as such.

**Exhibit A**  
**Carol Stream Park District**  
**Procedures for Electing Board Officers**

**Election of President Pro Tem**

A Commissioner will make a motion to elect Commissioner \_\_\_\_\_ as President ProTem. It will be seconded and the Board will vote.

**Election and Appointment of Board Officers**

1. The President ProTem will take control of the meeting. President Pro Tem will ask for a nomination for President of the Board. It will be seconded and the Board will vote. Voice Vote
2. Then, the newly elected President will take control of the meeting and will ask for nominees for Vice President of the Board.
3. A Commissioner will make a motion to nominate Commissioner \_\_\_\_\_ for the office of Vice President of the Board. It will be seconded and the Board will vote. Voice vote.

One motion may be made for the following appointments:

\_\_\_\_\_ Secretary of the Board  
\_\_\_\_\_ Treasurer  
\_\_\_\_\_ Attorney

Requires a second and a voice vote.

After these motions have been made and approved the Board will proceed with the agenda.

**Exhibit B**  
**ORDINANCE NO. 361**

**AN ETHICS ORDINANCE OF THE CAROL STREAM PARK DISTRICT, DU PAGE COUNTY, ILLINOIS**

**WHEREAS**, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

**WHEREAS**, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

**WHEREAS**, it is the clear intention of the Act to require units of local government to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

**WHEREAS**, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

**WHEREAS**, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CAROL STREAM PARK DISTRICT, AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of Carol Stream Park District is hereby amended by the addition of the following provisions:

**ARTICLE 1**

**DEFINITIONS**

Section 1-1.

For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to

influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Carol Stream Park District, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the Carol Stream Park District.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive

(i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **ARTICLE 5**

### **PROHIBITED POLITICAL ACTIVITIES**

Section 5-1.

Prohibited political activities.

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Carol Stream Park District in connection with any prohibited political activity.
- (b) At no time shall any officer or employee 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).
- (c) 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.
- (d) Nothing in this Section prohibits activities that are permissible for an officer or

employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

- (e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

## **ARTICLE 10**

### **GIFT BAN**

#### Section 10-1.

Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

#### Section 10-2.

Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between

those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

#### Section 10-3.

##### Disposition of gifts.

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## **ARTICLE 15**

### **ETHICS ADVISOR**

#### Section 15-1.

The Executive Director, with the advice and consent of the Park Board shall designate an Ethics Advisor for the Carol Stream Park District. The duties of the Ethics Advisor may be delegated to an officer or employee of the Carol Stream Park District unless the position has been created as an office by the Carol Stream Park District.



Section 15-2.

The Ethics Advisor shall provide guidance to the officers and employees of the Carol Stream Park District concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Executive Director or Park Board of Commissioners.

**ARTICLE 20**

**ETHICS COMMISSION**

Section 20-1.

There is hereby created a commission to be known as the Ethics Commission of Carol Stream Park District. The Commission shall be comprised of three members appointed by the Executive Director with the advice and consent of the Park Board of Commissioners. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Carol Stream Park District. [For entities in which officers are elected on a partisan basis, insert the following: No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.]

Section 20-2.

At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2- year terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3.

The Executive Director, with the advice and consent of the Park Board, may remove a commissioner in case of incompetence, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4.

The Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10

of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.

- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Carol Stream Park District to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

#### Section 20-5.

- (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.
- (b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- (d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the [chief executive officer or other officer having authority to discipline the officer or employee], or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- (f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the [chief executive officer or other officer having authority to discipline the officer or employee] or impose a fine upon the violator, or both.
- (g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.
- (h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
- (i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

## **ARTICLE 25**

### **PENALTIES**

Section 25-1.  
Penalties.

- (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- (d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Carol Stream Park District by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Carol Stream Park District, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.
- (e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its approval as provided by law.

This Ordinance voted upon this 10<sup>th</sup> day of May, 2004.

AYES  
 NAYS  
 ABSTAIN

CAROL STREAM PARK DISTRICT

By: \_\_\_\_\_

President, Board of Commissioners

ATTEST:

\_\_\_\_\_  
 Secretary, Board of Park Commissioners

**Exhibit C**  
**Park Board of Commissioners**  
**RULES OF ORDER**

1. The Park Board President (or their designee) shall lead the meeting.
2. The General Outline for a Board Meeting Agenda shall be:
  - a. Call to order
  - b. Roll Call & Pledge of Allegiance
  - c. Listening Post
  - d. Changes or Additions to the Agenda
  - e. Consent Agenda
  - f. Discussion Items
  - g. Action Items
  - h. Closed Session
  - i. Action Pertain to Closed Session
  - j. Adjournment
3. For Listening Post, the Board President shall ask anyone present to state their name and address prior to speaking, and will direct the conversation. This portion of the meeting is intended 'for hearing' comments/questions from the public; not for providing an answer.
  - a. Listening Post comments should be limited to 3 minutes.
  - b. Board Members may ask follow up questions of the speaker for clarification.
  - c. The Board President will inform the speaker that a member of the staff will provide an answer/information within a designated period of time.
    - i. The Board President may consult with staff for the amount of time required to respond.
4. For Discussion Items, the Board President may lead the discussion, or call upon the Executive Director (or their designee) to lead the discussion.
  - a. A board member may make a motion to act on a discussion item.
  - b. Procedures for motion, second and vote will follow.
5. For Action Items, the Board President shall call for a motion, and second; discussion will follow.
  - a. Any board member wishing to comment or present questions will be allowed to speak.
  - b. Guideline for discussion is approximately 20 minutes (3 minutes per commissioner) per subject; the Board may choose to extend the discussion to 30 minutes. If additional discussion is required, the Board President may table the item and have it placed on a future agenda.

- c. Discussion is limited to members of the Board or Staff, and shall not include members of the audience/public unless invited to speak by the Board President.
  - d. Once discussion is completed the Board President will restate the motion and call for a vote. Any change or adjustment to the motion will be stated as part of the motion at this time.
    - i. Ordinance, Resolutions, Policies, and Agreements will call for a Roll Call Vote.
    - ii. Other items will call for a Voice Vote.
  - e. The vote should call for all those in favor, followed by a call for any opposed.
    - i. A vote to abstain may be stated when the call is made for those opposed.
  - f. The Board President shall state whether the motion carries.
6. The Board may not consider other business or items until a motion on the floor has been disposed or acted upon.
7. General guidelines for attendance:
  - a. The Board President will be impartial and fair in applying all rules of order.
  - b. Attendance at all board meetings is the duty of an elected official. Absences should be limited to obligations related to work, family matters, health, or emergencies.
  - c. Read and review Board packets prior to arrival. Be prepared to discuss or act on items in a manner that is equitable and beneficial to all Carol Stream Park District residents.
  - d. Arrive on time and silence cell phones.
  - e. An atmosphere of mutual respect is expected. Listen while other are speaking; avoid dominating a discussion; avoid body gestures, facial gestures or behavior that may be construed as distracting or disrespectful.

**Exhibit D**  
**ORDINANCE NO. 375**  
**ORDINANCE FIXING LENGTH OF TIME A COMMISSIONER MAY BE ABSENT BEFORE THE BOARD SEAT IS**  
**DECLARED VACANT**

**WHEREAS**, the Carol Stream Park District is a duly constituted Illinois unit of local government functioning under the authority of The Park District Code (70 ILCS 1205/1-1); and,

**WHEREAS**, Attendance at Park Board meetings is required and expected by the voters who placed commissioners in office to represent them; and,

**WHEREAS**, the Illinois Park District Code authorizes the Board of Commissioners of said Park District to set a length of time for a commissioner to be absent from Board meetings before the commissioner seat may be declared vacant: and,

**WHEREAS**, Commissioners are to show respect for residents, fellow commissioners, and staff by making attendance a priority; and,

*NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE BOARD OF PARK COMMISSIONERS OF THE CAROL STREAM PARK DISTRICT, DUPAGE COUNTY, AS FOLLOWS:*

**SECTION ONE:** *Absence from 12 meetings during the course of 12 months, or absence from meetings for three (3) consecutive months will precipitate contact from the President requesting commissioner to resume regular attendance.*

**SECTION TWO:** *If the contact from the President does not produce regular attendance, the Board may declare the position abandoned and vacant, pursuant to Section 2-25 of the Park District Code (70 ILCS 1205/2-25).*

**SECTION THREE:** Absence pertains to all posted meetings of the Board and its committees.

All prior ordinances, resolutions, motions, orders or policies in conflict herewith, be and the same hereby are, repealed to the extent of the conflict herewith.

If any clause or provision of this Ordinance shall be adjudged invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision, which shall remain in full force and effect.

PASSED and APPROVED this 14th day of November 2005.

**Roll Call Vote:**

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

**CAROL STREAM PARK DISTRICT**

\_\_\_\_\_  
**President, Board of Park Commissioners**

**ATTEST:** \_\_\_\_\_  
Secretary, Board of Park Commissioners