

AGREEMENT BETWEEN THE DUPAGE COUNTY HEALTH DEPARTMENT

AND

Wheaton Park District

THIS AGREEMENT is entered into this 1st day of December, 2012, between the DuPage County Health Department, FORWARD Initiative, (hereinafter "Department") with offices at 111 North County Farm Road, Wheaton, Illinois 60187 and Wheaton Park District, 102 E. Westley St. Wheaton, IL 60187 (hereinafter "Grantee").

WHEREAS, the Illinois General Assembly has granted the Department authority to enter into agreements for the purpose of securing outside services (55 ILCS 5/5 5-25013); and

WHEREAS, the Department has a legitimate business to work, through partnerships, towards the development of a system to create sustainable changes to reverse the obesity trend among at risk populations in DuPage County; and

NOW, THEREFORE, the parties do hereby mutually covenant, promise and agree as follows:

ARTICLE I: SCOPE OF SERVICES

- 1.1 The Grantee shall provide data and outcome measures to support a project that identifies systems, policy and/or environmental changes for specific populations or communities as identified in Exhibit A.

ARTICLE II: TERM AND TERMINATION OF AGREEMENT

2.1 Contract Term

This AGREEMENT will be effective December 1, 2012 through November 30, 2013. If Grantee is unable to complete the project as identified in Exhibit A by November 30, 2013, funds paid out in accordance with this Agreement will be returned to the Department.

ARTICLE III: COMPENSATION

- 3.1 Department agrees to provide funding as identified in Exhibit A to the Grantee in order to create sustainable changes to reverse the obesity trend among at risk populations in DuPage County.

The Grantee agrees to and shall submit its invoice for services as identified in Attachment A at the execution of agreement. The Department agrees to compensate for services provided upon receipt of a completed and approved invoice in accordance with the Illinois Prompt Payment Act.

ARTICLE IV: LIABILITY AND RISK MANAGEMENT

4.1 Indemnification

Grantee shall indemnify, defend, and hold harmless the Department and its officials, officers, agents, servants, and employees from any and all claims, suits, actions, costs, and fees arising from, growing out of, or connected with allegations of the negligent performance of this AGREEMENT or tortuous acts by Grantee, however, Grantee will not be responsible for any claim arising out of Department, or its independent acts of negligence. Nothing contained herein shall be construed as prohibiting the Department, its officials, officers, agents, and employees, from defending through the selection and use of their own agents, attorneys and experts any claims, suits, demands, proceedings and actions against them.

4.2 Survival of Indemnification

The indemnification described above shall not be limited by reason of the enumeration of any insurance coverage herein provided, and it shall survive the termination of this AGREEMENT.

ARTICLE V: MISCELLANEOUS

5.1 Independent Contractor Status

Department and Grantee expressly acknowledge that Grantee is an “independent contractor,” and nothing in this AGREEMENT is intended nor shall be construed to create an agency relationship, an employer/employee relationship, a joint venture relationship, or any other relationship allowing the Department to exercise control or direction over the manner or method by which Grantee performs hereunder.

5.2 Assignment

Grantee shall not assign this AGREEMENT to any other corporation, agency, or contractor without the express written consent of the Department. Department and Grantee each binds itself, its successors, assigns and legal representatives to the other party hereto and to its successors, assigns, and legal representatives of such other party in respect to all covenants, agreements and obligations contained herein.

5.3 Notice

All notices or other written communications required or permitted to be given under this AGREEMENT shall be deemed to have been duly given if delivered personally in hand, or, sent certified U.S. mail, return receipt requested, postage prepaid on the date posted, and addressed to the appropriate party at the following address or such other address as

may be given in writing to the parties:

- a. If to Department: DuPage County Health Department
111 North County Farm Road
Wheaton, IL 60187
Attn: Maureen McHugh, Executive Director

- b. If to Grantee: Wheaton Park District
102 East Wesley Street
Wheaton, IL 60187

5.4 Governing Law

This AGREEMENT and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of Illinois.

5.5 Entire Agreement

This AGREEMENT constitutes the entire Agreement of the parties and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions and agreements that have been made in connection with the subject matter hereof. No modification or amendment to this AGREEMENT shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

5.6 Waiver of Breach

The waiver by either party of a breach or violation of any provision of this AGREEMENT shall neither operate as, nor be construed to be, a waiver of any subsequent breach of the same or other provision hereof.

5.7 Severability

In the event any provision of this AGREEMENT is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this AGREEMENT, which shall remain in full force and effect and be enforceable in accordance with its terms.

5.8 Conflict of Interest

The Grantee covenants that he has no conflicting public or private interest and shall not acquire directly or indirectly any such interest which would conflict in any manner with the performance of Grantee's services under this AGREEMENT.

5.9 Compliance with State and Other Laws


The Grantee shall comply with Federal, State, DuPage County and local statutes, ordinances and regulations in performance of services under this AGREEMENT

IN WITNESS WHEREOF, the parties have set their hands hereto as of the day and year first above written.

By:




DuPage County Health Department
Maureen McHugh
Executive Director



Date


By:



Signature
Michael J. Bernard

Printed Name
Executive Director

Title or Role



Date

APPLICATION SUMMARY

Project Name: Sensory Garden Playground

Project Location: Danada Park South (intersection of Warrenville and Naperville Roads)

Applicant Name: Wheaton Park District
Applicant Address: 102 East Wesley Street

City, State, Zip: Wheaton, Illinois 60187

Contact Name and Title: Sarah A. O'Donnell, CPRP Director of Development

Phone: 6305104986

Secondary Phone: 6302102875

Fax: 630-665-5880

Email: sodonnell@wheatonparks.org

Project Summary: *Provide a general statement explaining the scope and purpose of the project*

In an effort to provide equal access to opportunities for improving and increasing physical activity for ALL people in the community, Wheaton Park District along with its partners, is seeking funding to build a universally accessible Sensory Garden Playground facility for the DuPage community. The Sensory Garden Playground is a multi-dimensional, outdoor facility where people can gather to engage in physical activity and nutrition enrichment programming in the variety of play areas around the Garden. Sensory stimulating features for building creativity, physical, wellness, nutrition, and social skills in ALL children, especially those with sensory integration disorders and other special needs will also be a pinnacle component of this initiative. In addition to the design, on-site, professionally led activities will deliver early intervention leisure experiences to nurture and support ALL children's physical skill development and nutritional comprehension through the use of gardening and sensory exploration activities around the site. The Sensory Garden Playground is conveniently located in the community to provide maximum opportunity to the residents of DuPage County to participate in health and wellness activities.

Strategy Implementation: *List each strategy from the criteria description that is being implemented by this intervention*

Providing children with increased opportunities for physical activity and healthy, flavorful food options in their communities, churches, preschools, schools, and day care facilities.;

Assuring that fresh fruits, vegetables, and low-fat dairy options are affordable and accessible to families of all socio-economic groups in DuPage County. Ensuring that parents have reliable information about their family's nutritional needs.;

Developing land use and planning that fosters and supports physical activity for the community as in bike trails, safer pedestrian routes, accessible playgrounds, etc. Providing ample opportunities within local communities for physical activity.;

Assuring access to vital nutritional services and physical activity opportunities for all age groups and socio-economic levels.;

Supporting a culture of wellness and health promotion in our workplaces, schools and other institutions.

Project Funding

1. Total cost of the project:	\$ 2,000,000
2. Total funds available (or to be secured) from other sources (if applicable)	\$1,995,000
3. Amount requested from FORWARD Fund	\$5000

Project Timeline

In late 2012 and early 2013, the Wheaton Park District is securing additional partnerships within the community and nationally for the fiscal expenses of this project. Wheaton Park District has already secured a number of financial sponsors, including a \$150,000 grant through Shane's Inspiration and Playground Structures. The Wheaton Park District anticipates breaking ground on this project in spring 2013 with a completion date of late fall 2013.

Applicant Certification Checked: True

Signed by: Sarah A. O'Donnell

Date: 10/1/2012

Mobilization Grant Questionnaire

Project Questions

1. Provide a detailed description of your project/program, including the target population and geographic area it will serve.

The Wheaton Park District envisions a place where ALL people can come together and have equal access to play equipment so they can be engaged in a healthier and physically fit lifestyle. Now imagine being diagnosed with a sensory integration disorder, or imagine being a wounded

warrior that is a parent to a young, active child, and imagine being the grandparent to grandchildren who have never had the experience of growing a garden. These people exist in our community. 9.1% of our community is disabled, 16.1% is under the age of 18 years, 9.5% are civilian veterans, and 11% are over the age of 65 years. While some may view this as just a part of our society, the Wheaton Park District in collaboration with other community partners, views these people as not having an equal opportunity to leading more physically fit and active lifestyles. In an effort to provide a place that is accessible to ALL people, the Wheaton Park District has developed and designed the Sensory Garden Playground (SGP) initiative. The SGP is an outdoor park providing countless opportunities and benefits for engaging in spontaneous physical activity and rich nutrition learning programs at carefully designed play areas where ALL people can gather and learn to lead healthier lifestyles. DuPage County is known for its excellent schools and outstanding recreation programs in the community surrounding SGP. In fact, the SGP area attracts a larger than average concentration of children with special needs who critically need accessible areas of play. Special facilities such as Giant Steps and Marianjoy Rehabilitation Hospital are just minutes from the SGP. The SGP project is projected to benefit a large portion of northeast Illinois including the immediate DuPage County area. The site is minutes from expressways, public transportation, and is bordered by the communities of Wheaton, Naperville, and Lisle. Nearly half a million people live within a 15-minute drive from the site. Considering the statistic that on average one in every 88 persons is affected by autism, the facility could easily serve approximately 5,681 individuals with autism from DuPage County. Add in the number of caregivers with special needs and 15% of the population would benefit. Expand the number of possible beneficiaries to include those within an hour's driving distance, and more than one million persons can improve their physical fitness and healthy living skills from this facility.

2. Describe the applicant's experience in the administration of this or similar projects/programs, including the qualifications of personnel that will be directly involved in the management of this project/program. Resumes for key personnel may be submitted with this application.

The SGP team is comprised of Wheaton Park District (WPD) and Western DuPage Special Recreation Association (WDSRA) Executive Directors, two landscape architects, a developmental therapist, fund development/planning/marketing directors, and various support staff and volunteers from partner organizations. Collectively, this group has over 300 years of experience and is nationally distinguished for their roles in providing leisure and recreation services to ALL people; the team has built a committee structure with leaders heading up project communications, presentations, fund development, volunteer opportunities, and facility plans and permitting. WPD has a compelling standing within the community for successfully executing large-scale capital projects supported with grant and private funding. Such capital projects include the development and completion of the Toohey Safety City, as well as the Lincoln Marsh facility. Cultivating this with their expertise in providing a culture of wellness and health to the community, it is evident that Wheaton Park District and its partners will effectively

meet the needs for providing children with increased opportunities for physical activity within the community through the construction of the Sensory Garden Playground.

3. Is this project/program a collaborative effort with other entities? If so, please elaborate.

Yes, the Sensory Garden Playground project is a collaborative effort with other entities in the community. To date, Wheaton Park District has secured support from Western DuPage Special Recreation Association, Forest Preserve District of DuPage County, Shane's Inspiration, Playground Structures, Kiwanis Club of Wheaton, and Wheaton Rotary Club. As the District moves forward with this project, they will continue to seek additional partnerships within the community, as well as across the nation.

4. Explain how you will measure and document the performance of the project/program.

Wheaton Park District prides itself in operating safe facilities for the public. As such, like all other facilities operated by the Wheaton Park District, the Sensory Garden Playground will go through a rigorous park inspection on a regular basis to ensure a safe place for ALL people to be physically active at and enjoy the many attractions and features at the facility. These reports will be kept on-file with the Wheaton Park District and will be available for inspection upon request. To meet the needs of providing educational programming opportunities, the Wheaton Park District will schedule and publicly promote communitywide program opportunities for garden planting, as well as provide activities that will encourage ALL children to engage with one another in equally accessible physical fitness opportunities. Said programming would include the expansion of a Worldwide Day of Play program to be integrated at the Sensory Garden Playground. A listing of both programs at the facility and the facility itself would be made available in the Park District's seasonal program catalogs and would also be promoted amongst other members of WDSRA. On a quarterly basis, Wheaton Park District staff will visit the site and assess the visitors to the Sensory Garden Playground. A variety of demographic and physical fitness activity information will be collected from the sample population visiting the park on the site visit dates. This documentation will also be available upon request from Wheaton Park District staff. This project has the capability of being developed in modular phases as funds are available. The primary goal is to construct the Sensory Garden Playground areas first, and then proceed with the construction of an accessible ball field. This ball field would be outfitted with local Buddy Baseball programs to ensure maximum use and exposure to leading healthier lifestyles for ALL people. A schedule of ballgames would be available upon request once the baseball field is installed.

Organization Questions

1. Briefly describe your organization and its history:

The Wheaton Park District was established as a separate municipal body by the citizens of Wheaton in 1921 and has a compelling reputation for providing excellence in fitness, leisure, recreation, and healthy lifestyles. The District is responsible for operating 829 acres of parks, pools, and open spaces for recreational use, including Arrowhead Golf Club, Cosley Zoo, DuPage County Historical Museum, Clocktower Commons Mini Golf & Skate Park, Central Athletic Center, Kidz Kingdom Childcare, Adult Leisure Center, Community Recreation Center, Lincoln Marsh, Parks Plus Fitness, Toohey Safety City, The Zone Teen Center, two aquatic centers, and over 50 park sites. Contributions from numerous service and community organization have made possible many improvements in the District's parks. The Wheaton Jaycees have contributed to tot lots, the Rotary Club built the first accessible playground at Northside Park, Kiwanis Club provided funds and labor for Toohey Park's Safety City, and the Cosley Foundation's fundraising efforts. Wheaton Park District has also benefited from partnerships with organizations outside of the community such as the Conservation Foundation who assisted with acquisition of the Lincoln Marsh and Illinois Department of Natural Resources generous grant programs. Completion of the overpass project would not have been possible from numerous grants and contributions from private, local, state and federal sources. Within the last couple of years, the District has been able to further expand its facilities by partnering with other local agencies. Intergovernmental agreements with DuPage County have allowed us to build and manage Clocktower Commons in addition to moving the administrative offices to the DuPage Historical Museum, and the District's most recent partnership with the Forest Preserve District of DuPage County for the lease agreement of forty acres of land designated for the Sensory Garden Playground project. The Wheaton Park District has one of the finest park systems in the state and has been recognized four times during the past 20 years by the National Park and Recreation Association with the National Gold Medal for Excellence in Park and Recreation Management in 1984, 1990, 1996, and 2005, the Illinois Park and Recreation Association Outstanding Program Award (2008), the Illinois Park and Recreation Association's Distinguished Agency Award (1999), the National Recreation and Park Association Excellence in Aquatics Award (1992), Illinois Park and Recreation Association Outstanding Facility Award (1993) for Rice Pool and Water Park, the Daniel Flaherty Award (1990 and 1993), the U.S. Department of Interior Innovation Award (1993) for the Lincoln Marsh Wetlands Project.

2. Who are the people or groups your organization serves?

The Wheaton Park District's mission is "to enrich the quality of community life through a diversity of healthy leisure pursuits and heightened appreciation for our natural world" to over 61,000 residents and thousands of additional non-residents visiting the area for the District's popular seasonal special events and facilities operated by the District. Wheaton Park District (WPD) serves a globally diverse population and maintains a focus to provide services to anyone who aspires to maintain a healthy and fit lifestyle no matter their age, ability, gender, race,

religious background, or financial makeup. The District's population comprises of 9.1% of people who are identified as disabled, 16.1% under the age of 18 years, 11% are over the age of 65 years, and 9.5% who are civilian veterans. WPD issues eight program guides annually with programs ranging from Nature Playdays (outdoor nature exploration class for 18 months with parent), Kindergarten Cookery (a nutritional cooking class for 5-6 year olds), hundreds of athletic programs for youth, Fun For Run Club (running club for 6-12 year olds), Meditation 4 Teens, Family Boot Camp, a myriad of adult fitness classes and sports leagues, to the District's Snappy Tappers (adult tap dance). The facilities operated by WPD also encourage healthy and active opportunities for the public. Facilities include Arrowhead Golf Club, Cosley Zoo, Lincoln Marsh, Community Center, Parks Plus Fitness Center, two aquatic facilities, and over 50 parks. WPD's ability to meet the diverse needs of the community by providing these top notch services are pinnacle to advancing a more healthy and active community.

3. What are the specific goals and objectives of your organization and how will this project/program help you achieve those goals?

The District's mission is "to enrich the quality of community life through a diversity of healthy pursuits and heightened appreciation for our natural world." Through the provision of services to residents throughout DuPage County, the District has quickly responded to the growing obesity epidemic by providing a wealth of healthy options and opportunities. In providing these services to combat the obesity epidemic, the District has recognized the increasing trend of families who have a child with a disability, or a spouse/parent that is a wounded veteran, and an aging population that needs an accessible outdoor place to play and reap the fitness and live more healthy lifestyles. As such, the goals of the Sensory Garden Playground (SGP) project is to strategically design and build a facility that is: -universally accessible with various sensory integrated play areas that meets the needs for the over 2,000 families in DuPage who have diagnosed member with sensory integration disorders; -able to meet the rising need to have an accessible park facility where a wounded veteran can take their child to play; -a place where the aging population can provide cross-generational learning in the raised planting beds used to cultivate educational experiences in growing vegetable, fruit, and herb gardens. Boasting a multi-dimensional scope in providing active leisure, educational, and therapeutic opportunities, the SGP is the first-ever accessible, public facility highlighting an entrance area with interactive, sensory-engaging artwork; a wheelchair-friendly tree house; a centralized gathering space; multiple age-appropriate play spaces and play equipment; a fragrance garden filled with fruits and herbs; a sound garden tuned to the soothing pentatonic scale; accessible ball field, and a water sensory play area. The SGP will meet the dynamic needs for increasing and improving the physical activity in ALL people while immersed in a journey using their senses and abilities.