



# Wheaton Park District

## Wheaton Park District Board of Commissioners General Practices Manual

**Mission Statement** To enrich the quality of community life through a diversity of healthy leisure pursuits and a heightened appreciation for our natural world.

**Vision Statement** We, the Wheaton Park District team, commit to service excellence, financial stability, and an enriched quality of life for our stakeholders. We accomplish this through continuous improvement of people and systems while living our values.

**Core Values** Integrity Fun Adaptability Growth  
Kindness Service Commitment

**General Practices** This General Practices Manual, of the Wheaton Park District Board of Park Commissioners represents an insight into the intent of the members. They are a manifestation of a desire to establish a means of measuring acceptable behavior and protocol that ensures honest and accountable representation. While not possessing the force of the law, the intent of this manual is to provide a guideline for board conduct.

### Definitions

1. The Wheaton Park District shall hereinafter be referred to as “the District” or as “The Park District”
2. The Wheaton Park District Board of Commissioners shall hereinafter be referred to as “The Board”
3. The Executive Director shall hereinafter be referred to as “the Director”

**Statement of Objectives** It shall be the purpose and objective of the district to: provide wholesome and meaningful recreation programs; to preserve, restore and maintain parks and other natural areas; construct, maintain and operate facilities for the recreational, athletic, wellness, social and cultural services to be housed and held for families and individuals in the area served by the District

The District shall, within financial limits set by the Board, obtain, plan, develop, and maintain park and recreation resources to serve the varied recreational interests of the residents of the District. Recreation programs and services shall be planned, developed and operated which, while consistent with the District’s financial ability, will provide a broad and varied selection of activities, both active and passive, to adequately service the recreational needs and interests of all ages, sexes and economic levels in the area served by the District. It is the desire of the District through its programs, services and facilities to provide for a better quality of life for its residents in a financially sustainable manner.

**Responsibilities of the Board** The Board functions under the authority of the Illinois Park District Code, Illinois Compiled Statutes, Chapter 70, ACT 1205 and within the framework of the laws, court decisions, opinions of the Illinois Attorney General and similar mandates from the state and national levels of government. Board members, collectively and individually, act as representatives of all residents of the District in maintaining and promoting the use of park and recreation activities. Through an evaluation of the available resources and the often conflicting needs and demands of all interested parties and groups, Board members seek to move toward decisions and actions which best serve the recreational needs of the community as a whole.

The Board shall concern itself primarily with board questions of policy rather than with the administrative details. The Board should not be involved in the “day to day” operations of the District. The application of these policies is an administrative task to be performed by the Director and his staff who shall be held responsible for the effective administration and supervision of the entire Park District, including all facilities, services and programs. All such facilities, services and programs shall be operated within the financial guidelines determined by the Board.

In the discharge of duties, Board members act as a Board and not as individuals. The individual Board member has no more authority over park and recreation policies or personnel than any other Board member. He/she have no legal right to speak for the Board unless specifically authorized to do so by the action of the Board. It is improper, ill-advised and unethical for individual Board members to make public pronouncements and/or conjectures about the matters not yet decided by official Board action. Board members should respect the Board’s commitment to work through its chief executive officer, the Director, by requesting desired information about the facilities, services and programs directly from him/her. Board members should also seek the professional opinion of the Director when asked by a resident to address a particular issue or complaint. Board members who are approached by a District Staff member on a matter of operations or personnel, or who receive concerns or complaints from District Staff, should advise the staff member to contact their immediate supervisor first, the Human Resources Department second, and the Director third to resolve the matter. A Board member should not attempt to resolve the Staff member’s issue themselves. A Board member should advise Staff to follow the chain of command and to reference the District’s personnel policy manual for additional direction.

Board members will abide by the majority vote and support the actions of the Director, when those actions have received the support of the Board via official voting. However, it is not necessary that all Board votes be unanimous. Finally, having ratified the contents of the General Practices Manual, all members of the Board will act in accordance with the provisions of the document.

**Financial Authority** The Board shall annually, according to State Statutes, appropriate funds and levy taxes for the various operations of the District in order to provide for its needs. The Board shall annually approve a Budget and Appropriation Ordinance, an Audit and shall, if necessary, hold a “Truth in Taxation” hearing as part of its annual tax levy process and shall adhere to all other legal requirements as may be enacted by the State.

**Planning & Gathering Resident Input** The Board shall provide for the planning, improvement, financing, construction and maintenance of the property of the District. The Director shall lead the Districts Comprehensive Master and Strategic Planning Process and submit for Board Approval said plans on a recurring five year basis. The Planning process shall include the formal solicitation of Resident / Taxpayer input using a variety of data gathering tools annually and using statistically valid means at 5 years intervals.

**Employment of Chief Executive** The Board shall employ a properly educated and trained professional to serve as the chief administrator for the District, to fill the position of Executive Director, and to annually evaluate in written form his/her services. The Board shall review and update the Job Description of the Executive Director every 3 years.

**Park District Attorney** The Board shall retain the services of a qualified attorney either through an annual retainer or on an as-needed basis for purposes of assisting the Board in conducting its regular business according to the legal requirements of the Park District Code.

**Appointment of Board Secretary and Treasurer** It is the practice of the District for the Board to annually appoint the Executive Director as Board Secretary and the Finance Director as Board Treasurer.

**Reimbursable Expenses** Individual members of the Board shall be reimbursed for reasonable expense incurred in attending meetings, conferences or in making trips on official business for the Park District when so authorized by the Board. If Board members are elected or selected for Park and Recreation Association involvement, the district will pay associated expenses if the Association does not.

**Employment Practices** The Board shall approve and regularly review and amend personal policies as described in the District's Personal Policies Manual.

**Policies, Ordinances and Resolutions** The Board shall enact policies and approve ordinances and resolutions as necessary to see that the District is effectively, legally and safely administrated.

**Outside Interests** Each action taken by a Board member in the course of their duties will be motivated by the District's best interests and should, therefore, be free of outside influences and self-interest. Board members shall have no direct or indirect financial interest in any aspect of the District's operations. Board and Staff Members will see to it that the Board is aware of all membership or financial interest in companies or organizations doing business with the District.

**Board Committees** The Board of Commissioners shall maintain a Finance Subcommittee and a Buildings and Grounds Subcommittee. Subcommittee Chairmen shall be appointed by the President annually. The Board President shall create temporary task forces and appoint members on an as needed basis at his or her discretion. The subcommittees and temporary task forces will make recommendations for Board action when appropriate.

**Board Liaisons** The Board President may appoint a Board member to serve as a District Liaison to affiliated local groups and organizations at his or her discretion. The role of the liaison is to (when possible) attend the meetings of, and communicate the Board’s interests to, the local affiliated group or organization and to keep the Board apprised of the activity of the local affiliated groups or organization. Examples of Organizations to which the President may appoint at liaison are: The Cosley Foundation, the DuPage Historical Museum Foundation, Athletic Leagues Boards of Control, Units of Local Government, Chamber of Commerce, Downtown Wheaton Association, and Service Clubs. Absent the appointment of the specific liaison, it shall be the Director’s responsibility to keep the Board informed about the activities and interests of affiliated groups and organizations.

**Intergovernmental Cooperative Agreements** It shall be the practice of the Board to seek cooperative agreements with other units of government with the intent of providing community public services in the most efficient manner possible and for the general improvement of the quality of life for the Residents. Examples include but are not limited to:

- Land Cash Donation Ordinance with the City of Wheaton
- Park School Joint Agreements for Facility & Land Use with CUSD #200
- Agreement with the City of Wheaton for Permitting, Policing of Park Land and the Enforcement of the Park Use Ordinance
- Agreement for the Operation of the DuPage County Historical Museum with the County of DuPage
- Agreement for the Control and Maintenance of a portion of the “Lucent Acquisition” with the Forest Preserve District of DuPage County

**Compliance with State & Federal Laws Relevant to Park District Operations** The Board shall, through its’ Director ensure that District Operations are in compliance with state law relevant to the delivery of services and the legal execution of business operations. The following is a non-exclusive list of those statutes:

- The Open Meetings Act
- The Freedom of Information Act
- Prevailing Wage Act
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- Communicable Disease Guidelines via OSHA
- The Abused and Neglected Child Reporting Act
- Employer Reporting Requirements Act
- Criminal Background Investigation Act
- Illinois Ethics Act
- Smoke Free Illinois Act
- Toxic Substances Disclosure Act
- Identity Protection Act
- Moveable Soccer Goal Safety Act
- Firearm Concealed Carry Act
- Workplace Transparency Act

**Board Members Development** Park District Board members shall have an equal opportunity to attend local, state and national educational conferences and meetings designed to familiarize members with park and recreation issues, governance and legislation, Appropriate educational materials, publications and notices of training or development will be made available to members through the Illinois Association of Park Districts, the National Recreation and Parks Association and other allied service organizations.

**New Board Members Orientation** The Director shall provide a newly elected Park Board member with a copy of the Districts' General Practices Manual, the Districts Master and Strategic Plan, the Districts operating budget and most recent financial statements, the Park District Code, the Park Commissioner's Handbook, Park District Financial Procedures, and the minutes of the Park Board meetings for the last six (6) months. Additional materials explaining the powers and duties of the Park District Board and the operations of the Park District can also be provided by the Illinois Association of Park Districts. A New Commissioner Orientation Checklist is used to manage this process. Meeting between the Director and the new member should be arranged by the Director for the purpose of reviewing the material referenced above, answering questions and acquainting the new member with internal operations of the Park District. In addition to the Director and other staff providing specific and factual information, board members should orient the new member to Board beliefs and practices. They should review, as a board, what members, including the new member, should expect of each other.

New members will be encouraged to attend workshops conducted by the Illinois Association of Park Districts.

**Meeting Attendance** While it may not be possible for every Commissioner to attend every Board meeting; a recurrent pattern of missing meetings is not fair to the other Board members or to the taxpayers. Thus, the Board may deem it necessary to share their concern with any Commissioner if that Commissioner regularly fails or neglects to attend regular and special meetings of the Board.

**Sexual Harassment** Pursuant to Public Act 101-0221, the Workplace Transparency Act, alleged harassment by a commissioner against another elected official can be reported to the Board President. If the Board President is the reporting person or is implicated by the allegation, the report can be made to any other commissioner. Any report under this section must be referred to the district's legal counsel, who must then appoint a qualified independent attorney or consultant to review and investigate the allegations.

**Closed Session** No Commissioner shall disclose the contents of any discussion, debate, strategy or direction occurring in a properly convened executive or closed session. Any Commissioner disclosing such shall be deemed to have acted in violation of Board rules. Any commissioner who violates Board rules by disclosing the contents of any discussion, debate or direction occurring in a properly convened executive session, may, either upon admission of same, or upon a majority vote of the Board, be subject to discipline, including, but not limited to, verbal reprimand, written reprimand or censure for a defined period of time. Infractions of this Board rule may also result in the Board referring the matter to proper legal authorities for prosecution of charges, including, but not limited to, malfeasance in office and/or official misconduct.

**Vacancies** A vacancy will occur whenever a member of the Board dies, resigns, becomes under legal disability, ceases to be a legal voter in the District, is convicted of any infamous crime or refuses or neglects to take his or her oath in office. Vacancies shall be filled by advertising directly and in local newspaper of general circulation for applications to fill the vacancy. Of those submitting written applications to the Board, the most qualified, in the Board opinion, will be invited for oral interview with the Board.

Vacancies shall be filled by appointment by a majority of the remaining members of the Board (70 ILCS 1205/2-25). Any person so appointed shall hold his or her office until the next regular election for this office, at which time a member shall be elected to fill the vacancy for the unexpired term, subject to the applicable Illinois Statute.

**General Practices Review** Review of these General Practices should be completed every other year by the Park Board and Director. Revision shall be by majority vote of the Board.

**Board Services** The Board of Commissioners performs a valuable and necessary service in providing a sound Park District. The members of the Board provide the service without monetary or other types of compensation.

**Quality Employees** The Board recognizes that the Park District competes with private, as well as other public, agencies for quality employees. Thus, it is imperative that the Board encourage the Director to maintain, within reasonable financial constraints, a policy of providing a suitable salary and benefits programs for the employees of the District. The Director shall recommend salary ranges for full time and part time employees of the District for Board Approval. Salary Ranges should be reviewed and updated every three years.

**Meetings** Regular Business Meetings, Subcommittee Meetings and Temporary Task Force Meetings are subject to the Open Meeting Act. The board will typically conduct subcommittee meetings on the first Wednesday of the each month in preparation for the regular monthly business meeting of the Board on the third Wednesday.

**Regular Monthly Meeting** The regular meeting of the Board will be held on the third Wednesday of the month at 7:00 p.m. at the City of Wheaton Council Chambers. Should it prove impractical for the Board to meet at this designated time and place, the Board shall determine some other date and/or place when such meeting shall be held and shall provide notice of that meeting consistent with the Illinois Open Meeting Act. The regular Board meeting should be for discussions on final action only. This makes the Board meetings more efficient and more productive. Concerns of the public that are brought to the Board's attention will be considered at the appropriate time at any given meeting.

**Director's Attendance at Meetings of the Board** The Director shall be present at all meetings of the Board except when the Director is excused by the presiding officer.

**Roberts Rules of Order** Robert's Rules of Order will govern in all questions of procedure not otherwise provided herein of meetings of the Board and committees.

**Special Meetings** Special meetings may be called by the President or any two members of the Board. Notice of such meetings stating the time and place of the meeting and the purpose for which said meeting is called, shall be provided to Board members and the press through the Secretary, or shall be delivered to each member and press at least 48 hours prior to such meeting per the Open Meetings Act.

**Fiscal Year and Annual Meeting** The fiscal year of the District will commence on the first day of January and end the last day of December each year. The Annual Meeting of the Board will be held the third Wednesday in May and shall include election of the office of President and Vice-President and the appointment of the Secretary, Treasurer and Subcommittee Chairmen of the Board.

**Public Input** Requests by the public for additions to the agenda of a regular Board meeting shall be made in writing to the Director not later than 5:00 p.m. the Thursday prior to the scheduled meeting. Such items will be considered under the portion of the agenda defined as "New Business". All other public input at regular Board meetings shall be handled under the portion of the agenda defined as "Community Input".

**President** The President shall be the executive officer of the Board it shall be his/her duty to preside at all meeting when present. The President shall call special meeting of the Board on his own motion or upon the request of two or more Commissioners. The president shall cause, through the Executive Director, a notice to be given to all Commissioners of any regular or special meetings of the Board. Subcommittee Chairmen shall be appointed by the President annually. The Board President shall create temporary task forces and appoint members on an as needed basis at his or her discretion. The subcommittees and temporary task forces will make recommendations for Board action when appropriate.

All committees shall keep minutes, and no committee recommendations shall be implemented without approval by the Board. Other committees may be appointed at the discretion of the President. All committees of the Board shall be subjected to the Illinois Open Meetings Act. (5 ILCS 120/1 *et seq.*)

It shall be the duty of the President to see that all policies of the Board are enforced and all orders of the Board faithfully executed. The President's vote shall be called for on all matters before the Board with the other Commissioners. The President shall also appoint the Director to serve on the Board of Directors for the Western DuPage Special Recreation Association.

The President is a member of the Board and shall have the right to vote upon all questions coming before the Board. It shall be the duty of the President to sign all Ordinances and Resolutions and all such other documents and paper of the Park District which by law require a signature. The President shall be designated as the Board member authorized to act for, speak on behalf of, or make representations, on behalf of the Board. The President may delegate the authority to speak on behalf of the Board to the Executive Director.

**Vice-President** The Vice President shall be vested with the powers to perform the duties of the President in the President's absence or in the event of the President's refusal or inability to act. In the event that both the President and Vice President are absent from the meeting at which a quorum of

Commissioners may be present, the Commissioners present shall designate a member or the Secretary to conduct the meeting.

**Secretary** The secretary shall perform those duties prescribed by statute and as directed by the Board. The Secretary may, in his or discretion delegate those secretarial functions to District Staff, to, the extent such delegation is not inconsistent with law.

**Treasurer** The Treasurer shall perform those duties prescribed by statute and as directed by the Board. The Treasurer may, in his or her discretion delegate those functions to District Staff, to the extent such delegation is not inconsistent with law.

**Commissioners** As the corporate authority of the District, the Board governs the District. The Board has the power to control and regulate the District and to make the enforce all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board for carrying into effect the objects for which the District was formed, and to adopt rules and procedures to regulate Board action and conduct pertaining to the District. Such powers are subject to the provisions of the statutes of the State of Illinois and ordinance of the District.

**Commissioners Powers and Duties** Pursuant to 70 ILCS 1205/ 2-10, the Board consists of seven (7) persons who shall be elected to four (4) year terms, and until his or her successor has been duly appointed and qualified. The Board shall perform such duties and have such powers as may be delegated to it by statute. The Board may act only in a properly convened meeting, and no Commissioner shall have the authority to act for or make representations on behalf of the Board or under the title of his or her Board position Board position unless specifically authorized by statute, policy, and procedure or by the direction of the Board. The Board must ratify any act delegated to a Commissioner by the Board.

**Commissioner Ethics** The Wheaton Park District Ethics Ordinance is provided as an addendum to this document.

**Board and Executive Director Relations** The Board shall assign and delegate the administration and operation of the District to its Executive Director, who shall also serve as Chief Administrator of the District. The written policies of the Board shall guide the Executive Director in the administration of the District. The relationship of the Board and Executive Director shall be conducted on a level of mutual confidence and respect with each recognizing the role and responsibilities of the other. The Board may delegate those powers and duties it possesses by law to the Executive Director to act on its behalf, unless such conduct is specifically authorized by statute to be performed or conducted by the Board.

**Written Communication** Written communication to the Board from the Public may be submitted to the Executive Director/ Secretary, or the President, at any time Such communications shall be brought to the attention of the Commissioners of the Board at their next meeting and will be acknowledged in the minutes as having been received. A copy of all written communications made on behalf of the Board shall be provided to each Commissioner.



**Minutes** The board may appoint a Recording Secretary to assist the Secretary with the taking, preparation and keeping of the minutes. The Recording Secretary shall be under the direction and control of the Secretary and, at the Secretary's discretion may keep, or cause to be kept, a true and correct copy of all transactions of the Board in regular and special meetings, open or closed, and committee meetings. The minutes shall include the date, time and place of the meeting; the members of the Board as either present or absent; a summary of discussion on all matters proposed, deliberated, or decided; and a record of any votes taken, including the Commissioner making the motion, the second and the results of the voting.

The minutes of the proceedings of the Board at a regular or special meeting shall be prepared in draft form and copies shall be mailed or delivered to all Commissioners along with the notice of the next regular business meeting. The minutes of the preceding meeting, with any changes made by a motion properly made and carried or as directed by the President without objection shall be approved by the Board and signed by the Secretary at the next business meeting. The official minutes of the Board shall be kept in the District's Administrative Offices and shall be made available to citizens for inspection during regular business hours within (7) days of approval.

The board Shall keep a verbatim recording of all closed sessions for at least eighteen (18) months, in addition to written closed session minutes. The Board shall periodically, but no less that semi-annually, meet to review minutes of all closed sessions. At such meetings a determination shall be made, and reported in open session that the need for confidentially still exists as to all or part of those minutes or that the minutes or portion thereof no longer require confidential treatment and are available for public inspection. (5ILCS 120/2.06; 5 ILCS 140/3)

## **Rules of Order**

- A. **Rule 1. Preparation of the Agenda** The Director, with the concurrence of the presiding officer, is responsible for the preparation of the agenda for all Board meetings including workshops and committee meetings. To the extent possible, a Board packet for the regular Board meeting including the meeting agenda, the monthly bills to be approved and paid, an up-to-date statement of all the income and expenditure listed by fund, as well as a Treasurer's Report showing the financial condition of the District, and all monthly staff reports will be provided to all Commissioners no less than five days prior to meeting. The Agenda will be as Follows:

- Call to Order
- Presentations
- Community Input
- Consent Agenda
- Unfinished Business
- New Business
- Staff Reports
- Board Member Input/ Discussion
- Closed Session (if needed)
- Adjournment

- B. **Rule 2. Presiding Officer** The President shall preserve order and decorum, may speak to points of order subject to an appeal by any two (2) members. The President may speak upon any question and otherwise fully participate in the deliberations of the Board without having to vacate the chair, unless required to do so by a conflict of interests. The President shall be able to vote on matters the same as the other Commissioner.
- C. **Rule 3. Quorum** A majority of the duly elected, or appointed, Commissioners will constitute a quorum. However, if no quorum is present for a Regular Monthly Board Meeting, the Commissioners attending must adjourn the meeting.
- D. **Rule 4. Voting** They ayes and nays shall be taken on ordinances, resolutions, and other matters as required by law. All ayes and nays taken shall be recorded in the meeting's minutes. A concurrence of a majority of all commissioners present at a meeting shall be necessary to the passage of any such propositions unless otherwise provided by the law. The roll shall be called in rotating order (with the Board President voting last); such that the voting order is different for successive roll calls. The Secretary shall also record initiation and seconding of the motions and maintain these records. These records, except for the minutes and roll call of legally executed Executive Sessions shall be available for public inspection.
- E. **Rule 5. Questions before the Board** Every question before the Board shall be distinctly stated by the President before it is open for debate. A motion shall be reduced to writing before a vote if so requested by any Commissioner. Commissioners discussing a question shall address the President and no Commissioner shall be deemed to have the floor until recognized by the President. If any question under consideration contains several distinct propositions, the Board may, by a majority of the Commissioners present, divide such questions.
- F. **Rule 6. Ordinance and Resolutions** If required by law, an ordinance or resolution, as well as amendments thereto, shall be reduced to writing before action shall be taken on them. The title of all such ordinances and resolutions shall be read aloud before a vote is taken, except when the Commissioner presents request that it be read in its entirety.
- G. **Rule 7. Addressing the Board** Except during the public comment portion of the regular Board agenda, or as stated in this rule, no person other than the Executive Director or the District's Attorney may address the Board.

A portion of every regular Board meeting shall be provided for public comment. The person wishing to speak shall sign in advance or raise his or her hand in signal to the President. The speaker must be designated and authorized to speak by the President. Each speaker must state his or her name and address and shall limit his or her public participation to a period of five (5) minutes or less so that all persons shall have an adequate opportunity to make their statement to the Board.

The purpose of the public participation is to allow the public the opportunity to make a statement to the Board. The purpose of public participation is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board.

Public comments are important to the Board. However, it is the Board's policy not to take action on items until time has been taken to gather information and discuss all options. Lack of actions does not imply lack of interest in the issues. During the community input portion of the agenda the Board typically will ask residents to provide input prior to accepting input from nonresidents.

- H. **Rule 9. Robert's Rules of Order**                      The most current edition of Robert's Rules of Order shall govern, as appropriate, matters not covered by law and these rules.
  
- I. **Rule 10. Repeal and Amendment**                      These Rules of Order and General Practices may be amended or repealed by majority vote of the Commissioners present. A vote on a motion to amend or repeal shall be taken at the next regular meeting following the meeting at which the motion is made.

Initial Adoption November 3, 2010

Reviewed and Amended October 18, 2017

Reviewed and Amended January 15, 2020

Ayes: Vires, Mee, Kelly, Hodgkinson, Morrill and Fahey

Absent: Frey

**ORDINANCE NO. 2009-2**

**WHEATON PARK DISTRICT  
ETHICS ORDINANCE**

**BE IT ORDAINED** by the Board of Park Commissioners of the Wheaton Park District, DuPage County, as follows:

**Section 1 Definitions**

1. The term "business" shall include the actual business entity to which a Wheaton Park District contract is to be awarded as well as any of the business's principals, their immediate families and any other legal entities in which those principals have a controlling interest or otherwise have control over the disbursement of funds.
2. The term "Committee" means an Ethics Committee created by the Board of Park Commissioners of the Wheaton Park District pursuant to this Ordinance.
3. The term "compensated time" means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment with the Wheaton Park District, but does not include any designated Wheaton Park District holidays or any period when the employee is on a leave of absence.
4. The term "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 employment with the Wheaton Park District.
5. The term "contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.
6. The term "employee" means all full-time, part-time and contractual employees of the Wheaton Park District or any appointee.
7. The term "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 employee or officer.
8. The term "leave of absence" means any period during which an employee does not receive (i) compensation for Wheaton Park District employment, (ii) service credit towards Wheaton Park District pension benefits, and (iii) health insurance benefits paid for by the Wheaton Park District.
9. The term "market value" means the price that the gift would bring for assets of like type, quality and quantity in the local market at the time of acquisition.

10. The term "nominal value" means a gift to any one employee worth less than One Hundred Dollars (\$100.00) as an annual aggregate from a particular donor.
11. The term "officer" means all officials, whether elected or appointed, including but not limited to the Board of Park Commissioners, the Executive Director, the Secretary and the Treasurer.
12. The term "political" 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 (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official Wheaton Park District duties.
13. The term "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 Executive Director under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county Executive Director.
14. The term "prohibited political activity" means:
  - a. preparing for, organizing or participating in any political meeting, political rally, political demonstration or other political event;
  - b. 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;
  - c. soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution;
  - d. 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;
  - e. 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;
  - f. 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;
  - g. 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;

- h. 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;
  - i. making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
  - j. preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes;
  - k. 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;
  - l. campaigning for any elective office or for or against any referendum question;
  - m. managing or working on a campaign for elective office or for or against any referendum question;
  - n. serving as a delegate, alternate, or proxy to a political party convention; and
  - o. participating in any recount or challenge to the outcome of any election.
15. The term "prohibited source" includes any person or entity who:
- a. is seeking official action from (i) the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;
  - b. does business or seeks to do business (i) with the officer or (ii) in the case of an employee, with the employee or with the officer or other employee directing the employee;
  - c. conducts activities regulated by (i) the officer or (ii) in the case of an employee, by the employee or by the officer or other employee directing the employee;
  - d. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee; or
  - e. is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, 25 ILCS 170/1 *et seq.*, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.
16. The term "retaliatory action" means the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any employee in the terms and conditions of

employment, and that is taken in retaliation for an employee's involvement in protected activity.

17. The term "Board of Park Commissioners" means the Board of Park Commissioners of the Wheaton Park District.
18. The term "ultimate jurisdictional authority" means the following: for all employees, the Executive Director.

## **Section 2 Prohibited Political Activities**

1. Officers and employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal or compensatory time off). Officers and employees shall not intentionally misappropriate any Wheaton Park District property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office of any political organization.
2. At no time shall any officer or employee intentionally misappropriate the services of any employee by requiring that employee to perform any political activity (i) as part of that employee's Wheaton Park District duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Wheaton Park District (such as vacation, personal or compensatory time off).
3. An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise.
4. An employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, in consideration for the employee's participation in any prohibited political activity.
5. Nothing in this Section prohibits activities that are otherwise appropriate for an employee to engage in as part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.
6. 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.

**Section 3 Prohibited Offer or Promise**

An officer or employee may not promise anything of value related to the Wheaton Park District, including but not limited to positions with the Wheaton Park District, promotions or salary increases, in consideration for a contribution to a political committee, political party or other entity that has as one of its purposes the financial support of a candidate for elective office.

Nothing in this Section prevents the making or accepting of voluntary contributions otherwise in accordance with law.

**Section 4 Contributions on Wheaton Park District Property**

No Park Commissioner, employee or candidate for the office of Park Commissioner, or any person required to be registered under the Lobbyist Registration Act, or any officer, employee or agent of any political organization shall intentionally solicit or accept any political campaign contribution on Wheaton Park District property, except as provided in this Section. For purposes of this Section, "Wheaton Park District property" means any building or portion thereof owned or operated exclusively by the Wheaton Park District. "Wheaton Park District property" does not, however, include any portion of a building that is rented or leased from the Wheaton Park District by a private person or entity.

An inadvertent solicitation or acceptance of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of Park Commissioners or employees of the Wheaton Park District, except that no fundraising events shall be held at residences owned by the Wheaton Park District or paid for, in whole or in part, with Wheaton Park District funds. The provisions of this Section also do not apply to solicitations by any person required to be registered under the Lobbyist Registration Act, or any officer, employee or agent of any political organization at the DuPage County Historical Museum, the Arrowhead Golf Club or the Leisure Center, provided that such individual or organization is using the facility pursuant to a permit or license issued by the Park District and has paid the required fee for such use.

*Regul. 5*

**Section 5 Gift Ban**

Except as otherwise provided in this Ordinance, no officer or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or state statute, rule, regulation or Wheaton Park District Ordinance. This ban applies to and includes spouses and immediate family living with the officer or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

**Section 6 Exceptions**

The restrictions in Section 5 of this Ordinance and in Section 10-10 of the State Officials and Employees Ethics Act, shall not apply 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 pays the market value.
3. Any (i) contribution as defined in Article 9 of the Election Code, 10 ILCS 5/9-1 *et seq.*, that is lawfully made under that Act or under this Ordinance or (ii) activities associated with a fundraising event in support of a political organization or candidate.
4. Travel expenses for a meeting to discuss Wheaton Park District business.
5. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, 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.
6. Anything provided by an individual on the basis of a personal friendship, unless the officer or employee has reason to believe that, under the circumstances, the gift was provided due to the official position or employment of the recipient rather than due to the personal friendship.

In determining whether a gift has been provided on the basis of a personal friendship, the officer or employee shall consider the circumstances under which the gift was offered, such as:

- a. 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;
  - b. whether to the actual knowledge of the officer or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
  - c. whether to the actual knowledge of the officer or employee the individual who gave the gift also at the same time gave the same or similar gift to other officers or employees.
7. Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an officer or employee of the Wheaton Park District from another officer or employee of the Wheaton Park District; and "inter-governmental gift" means any gift given to an officer or employee of the Wheaton Park District from any member, officer, or employee of any other governmental entity.
  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 purpose of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

9. Food, lodging, refreshments, transportation and other benefits resulting from the outside business or employment activities (or outside activities not connected to the duties of the officer or employee as an officeholder or employee) of the officer or employee, or the spouse of the 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. Educational materials and missions, including meetings with government officials, either foreign or domestic, intended to educate public officials on matters of public policy to which the officer or employee may be invited to participate alone or with other federal, state or local public officials and community leaders.
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 one another.

#### **Section 7      Disposition of Gifts**

The recipient of a gift that is given in violation of this Ordinance does not violate this Ordinance if the officer or employee promptly takes reasonable action to return the item to its source or give the item 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.

#### **Section 8      Protected Activity**

An officer or employee shall not take any retaliatory action against an employee because the employee does any of the following:

1. discloses or threatens to disclose to a Board of Park Commissioners or to a public body an activity, policy or practice of any officer or other employee that the employee reasonably believes is in violation of a law, rule, regulation or ordinance;
2. provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule, regulation or ordinance by any officer or other employee; and
3. assists or participates in a proceeding to enforce the provisions of this Ordinance.

#### **Section 9      Posting**

The Wheaton Park District and its officers shall conspicuously display notices of employee protection under this Ordinance.

**Section 10 Ethics Committee**

1. When a complaint is received, the President shall create a special Ethics Committee to conduct proceedings relating solely to that complaint.
2. In the event that the complaint is directed at the President, the Vice President of the Wheaton Park District Board of Park Commissioners shall create a special Ethics Committee to conduct proceedings relating solely to that complaint.
3. The Committee shall be composed of three (3) members of the Board of Park Commissioners.
4. The Committee shall meet as often as necessary to perform its duties.
5. Upon a final resolution of the complaint, the Committee shall be disbanded.

**Section 11 Staff**

The Committee shall utilize existing staff, as necessary, and may contract for services that cannot be satisfactorily performed by the staff.

**Section 12 Powers and Duties**

The Committee 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. To investigate, conduct research, conduct closed hearings and deliberations, issue recommendations and impose a penalty or fine.
3. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this Ordinance.
4. To subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Ordinance.
5. To request that the Attorney General provide legal advice without charge.

The powers and duties of the Committee are limited to matters clearly within the purview of this Ordinance.

**Section 13 Complaint Procedure**

1. Complaints alleging a violation of this Ordinance shall be filed with the Executive Director of the Wheaton Park District. In the event the complaint is directed at the Executive Director, then the complaint shall be filed with the Board of Park

Commissioners. Such complaints shall be written and shall contain the complainant's address.

2. Upon receipt of a written complaint by the Executive Director, the Executive Director shall forward same to the Board of Park Commissioners, who shall then appoint an Ethics Committee within a reasonable time period. In the event the complaint is directed at the Board of Park Commissioners, the Executive Director shall then appoint an Ethics Committee within a reasonable time period.
3. Within seven (7) business days after the creation of the Ethics Committee, the Committee 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 Committee shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within seven (7) business days after the creation of the Committee. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting on the sufficiency of the complaint and probable cause.
4. Upon at least twenty-four (24) hours' public notice of the session, the Committee shall meet in closed session to review the sufficiency of the complaint and, if the complaint is deemed to sufficiently allege a violation of this Ordinance, to determine if there is probable cause to proceed based on evidence presented by the complainant. The Committee shall issue notice to the complainant and the respondent of the Committee's ruling on the sufficiency of the complaint and, if necessary, on probable cause within fourteen (14) business days after the closed session meeting. If the complaint is deemed to sufficiently allege a violation of this Ordinance and there is a determination of probable cause, then the Committee's notice to the parties shall include a hearing date scheduled within four (4) weeks after the closed session meeting. If the complaint is deemed not to sufficiently allege a violation, or if there is no determination of probable cause, then the Committee 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.
5. On the scheduled date and upon at least twenty-four (24) hours' public notice of the meeting, the Committee shall conduct a closed meeting on the complaint and allow both parties the opportunity to present testimony and evidence.
6. Within eight (8) weeks after the creation of the Committee, the Committee shall (i) dismiss the complaint or (ii) issue a preliminary recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both. The particular findings in the instant case, the preliminary recommendation and any fine shall be made public.
7. Within seven (7) business days after the issuance of the preliminary recommendation or imposition of a fine, or both, the respondent may file a written demand for a public hearing on the complaint. The filing of the demand shall stay the enforcement of the preliminary recommendation or fine. Within two (2) weeks after receiving the demand, the Committee shall conduct a public hearing on the complaint after at least twenty-four

(24) hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within five (5) business days, the Committee shall publicly issue a final recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both.

8. If a complaint is filed during the sixty (60) days preceding the date of any election at which the respondent is a candidate, the Committee shall render its decision as required under subsection (5) within fourteen (14) days after the Committee is created, and during the fourteen (14) days preceding that election, the Committee shall render such decision before the date of that election, if possible.
9. The Committee may levy a fine of up to \$5,000 against any person who knowingly files a frivolous complaint alleging a violation of this Ordinance.
10. A complaint alleging the violation of this Ordinance must be filed within one (1) year after the alleged violation.

#### **Section 14 Enforcement**

1. The Committee may recommend to a person's ultimate jurisdictional authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe the following courses of action:
  - a. reprimand;
  - b. to cease and desist the offensive action;
  - c. a return or refund of money or other items, or an amount of restitution for services received in violation of this Ordinance;
  - d. dismissal, removal from office, impeachment or expulsion; and
  - e. donation to a charity of an amount equal to the gift.
2. The Committee may impose a fine of up to \$5,000 per violation to be deposited into the General Revenue Fund.
3. The ultimate jurisdictional authority of a person who violates an ethics provision may take disciplinary action against the person as recommended by the Committee or as it deems appropriate, to the extent it is constitutionally permissible for the ultimate jurisdictional authority to take that action. The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.
4. If after a hearing the Committee finds no violation of this Ordinance, the Committee shall dismiss the complaint.

**Section 15    Penalty**

1.     An individual who intentionally violates Section 2 or 3 of this Ordinance is guilty of a Class A misdemeanor.
2.     An individual who intentionally violates Section 4 or 5 of this Ordinance is guilty of a business offense and is subject to a fine of at least \$1,001 and up to \$5,000.

**Section 16    Review**

The Committee's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.

**Section 17    Severance**

1.     It is hereby declared to be the intention of the Wheaton Park District that the several provisions of this Ordinance are severable.
2.     If any court of competent jurisdiction shall adjudge any provisions, or part thereof, of the State Officials and Employees Ethics Act to be invalid, the corresponding provisions, or part thereof, of this Ordinance shall also be deemed null and void without any further action of the Board. Such judgment shall not affect any other provision or part thereof of this Ordinance declared invalid which are not declared to be invalid in said judgment.
3.     If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this Ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this Ordinance declared invalid which are not declared to be invalid in said judgment.
4.     If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this Ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.

**Section 18 Effective Date**

This Ordinance shall be effective upon approval by the Wheaton Park District Board of Trustees.

Enacted this 15 day of July, 2009.

Wheaton Park District Board of Park Commissioners

ATTEST:

  
Secretary

  
President