

Niles Park District
Board of Park Commissioners
and Administrative
POLICY & PROCEDURE
MANUAL

Approved by the Niles Park District Board of Park Commissioners on October 19, 2021.

**NILES PARK DISTRICT
BOARD OF PARK COMMISSIONERS AND ADMINISTRATIVE
POLICY AND PROCEDURES MANUAL**

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1.00 BOARD OF PARK COMMISSIONERS

**1.01 ROLE OF BOARD OF PARK COMMISSIONERS, EXECUTIVE
DIRECTOR, AND STAFF**

The Board recognizes the desirability to define the respective roles of the Board, Executive Director, and staff, as well as to distinguish the relationships between each.

The role of the Board is to provide guidelines and chart a general course of action for the Niles Park District by formulating and approving the policies for the operation, control, improvement, and planning of the park and recreation facilities and activities within the Park District.

The Executive Director is hired by, evaluated, and is directly responsible to the Board. The Executive Director is the administrator who provides information and professional counsel to the Board while serving as liaison between policy formulation and implementation of same through administrative procedures.

As delegated by the Board, the Executive Director is primarily responsible for administering the operations and functions of the Park District within the policies and guidelines, as established by the Board. It is also the responsibility of the Executive Director to function as a liaison between the staff and the Board of Park Commissioners. The Executive Director will facilitate the concise and efficient communication of all direct questions, comments, and requests for information between the Board and the staff as well as similar requests between individual Board members and individual staff. Board members shall work directly with the Director, rather than other staff, and shall not participate in the day-to-day operations of the Park District.

The Park District staff members are Park District employees engaged in the programs and/or services that directly meet the recreational needs of the Park District. The staff includes division heads, supervisors, and specialists in all areas and aspects of Park District responsibility.

The primary function of the staff is to perform under the direction of the Executive Director, the various duties and responsibilities required to provide well-balanced and "excellent" park and recreation services.

1.02 BOARD AUTHORITY

Legal Authority

The Park District Code (70 ILCS 1205/1-1 *et seq.*) provides for the election of a Board of Park Commissioners and vests with the Board the authority to transact the business of the Niles Park District in compliance with Illinois law.

Powers and Duties of the Board

The duty of the Board is to approve basic policy for the operation, control, improvement and planning, present and future, of park and recreation facilities and activities within the Park District. Specifically included are the following:

1. To select and hire an Executive Director of Parks and Recreation as chief administrative officer and professional advisor and properly delegate the authority and responsibility to execute its policies, enforce its rules and regulations, and administer the parks and recreation facilities, programs and services.
2. To provide for the levy of taxes in order that funds may be available for the maintenance of the parks and operation of the recreation facilities, programs and services.
3. To adopt a park and recreation appropriation in order so that the best possible facilities, programs, and services may be provided.
4. To develop policies, rules and regulations in accordance with the law that aid the Park District in operating efficiently, effectively, legally and ethically and that protect the Park District's assets and that reasonably ensure effective stewardship and management of the Park District's human, physical and financial resources.
5. To assume responsibility for keeping the public informed concerning the purposes, achievements, requirements, and financial condition of their parks, recreational facilities and programs.
6. To adopt ordinances which it deems are necessary or appropriate to exercise the powers of the Park District provided by law, including but not limited to those necessary or desirable to manage and control all officers of the board and property of the Park District.
7. To set a strategic direction that adopts goals relating to the Park District's Mission and Vision.
8. To stay informed about pending legislation that is of interest to the Park District. When appropriate, the Board shall encourage its members to contact county, state, and federal elected representatives to advocate the best interests of the Park District.

Officers

The officers of the Board are President, Vice-President, Secretary, and Treasurer as prescribed by law, and such assistants and other officers as may be chosen by the Board.

The officers of the Park District are chosen annually by the Board at the annual meeting, pursuant to law. If the officers are not chosen at that meeting, they are to be chosen at another Board Meeting as soon thereafter as possible. Each officer holds office until the next annual

meeting and until his successor is duly chosen and has qualified, or until his death, or until he shall resign or shall have been removed in the manner provided. Vacancies may be filled by the Board at any of its meetings. In case of temporary absence or inability of any officer to act as such, the Board may fill his office pro-tempore.

The President is the executive officer of the Board. It is their duty to preside at all meetings when present, to sign all contracts and other papers authorized by the Board, to see that all ordinances of the Board are enforced and that all orders of the Board are faithfully executed and to exercise general supervision over all officers and the Executive Director and over the business and property of the Park District; all subject, however, to the direction and approval of the Board. The President represents the Board and the Park District at official functions, public meetings and community events.

1. The Vice-President in the absence of the President, or in the event of his refusal or inability to act, shall be vested with powers and perform the duties of the President.
2. The Treasurer receives and safely keeps all monies belonging to the Park District, depositing, in the name of the Park District, all monies belonging to the Park District and received in the bank or banks approved and designated by the Board. The Treasurer disburses the same, only upon the authority of the Board, together with properly executed warrants. The Treasurer makes monthly reports to the Board of all receipts and disbursements. Acting under the supervision of the Board, the Treasurer has charge of the Park District's bookkeeping and system of accounts. The Treasurer furnishes information to any commissioner or officer, requested by same, regarding any matter relating to this office, including copies of records of receipts and disbursements, statements of account, audits and other record of the Park District under his control or supervision. The Treasurer need not be a member of the Board, but may be a paid employee, in which case the Board may fix his compensation.

Board Appointees

1. The Attorney has charge of all legal matters and of the prosecution and defense of all litigation in which the Park District interested. He drafts all ordinances, resolutions and other instruments required by the Board, and gives opinions on all questions. 2. In addition to the duties herein above specified, each officer and employee performs such other duties as may be required by the Board or by law.

Board Compensation

Members of the Board are prohibited by the Park District Code from receiving any remuneration or compensation for their services.

1.03 BOARD MEETINGS

Regular meetings of the Park Board of Commissioners are held the third Tuesday of each month at 6:00 p.m. If the day of any meeting falls on a legal holiday, the meeting is held on a date determined by the Board.

Special meetings of the Board may be called by the President whenever he/she shall deem it

necessary, or may be called by the Secretary at the request of any two Board members. Written notice must be given to each Board member of the time and place of the special meeting at least seventy-two (72) hours prior to the date and time of the meeting. In the event of a special meeting, rescheduled regular meeting or any reconvened meeting, except as provided herein, public notice of the meeting must be given at least forty-eight (48) hours prior to date set for the special meeting. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. In the event of a bona fide emergency, notice shall be given as soon as practical, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for such notice

The meeting of the Board is held at the administrative offices of the Niles Park District, 6676 W Howard St. Niles, Illinois, unless otherwise specified by the Board.

Board packets including all action items will be prepared by the Board Secretary and distributed to the Board on the Friday prior to each Tuesday meeting, or for special meetings, at least 48 hours to the meeting.

A majority of the duly elected and qualified commissioners constitute a quorum for the transaction of business; provided, however, that if no quorum is present, the Board members attending may adjourn the meeting from time to time until a quorum is obtained.

The Park District encourages citizens and press attendance at all regular and committee meetings of the Board. All meetings are open to the public with exceptions permitted as outlined in the Illinois Open Meetings Act. 5 ILCS 120/1 *et seq.*. Notice of all meetings will be posted at Howard Leisure Center, 6676 W Howard St. Niles, Il. and on the Park District's website. Copies of the notice will be sent to any news media that has filed an annual request for such notice a minimum of 72 hours prior to the meeting. Notice of the agenda will also be posted at the at the Howard Leisure Center and on the Park District website a minimum of 72 hours prior to the meeting.

Minutes will be created for all public meetings and approved by the Board at the next regularly scheduled meeting. Meeting minutes will be posted on the Park District website.

Board Meeting Public Participation Policy

Pursuant to the Illinois Open Meetings Act, any person shall be permitted an opportunity to address public officials at a meeting open to the public under the rules established and recorded by the public body. The Board recognizes the need to establish a procedure for individuals and organizations to have the opportunity to present statements and/or information to the Board at its open meetings. The agenda for all regular meetings shall include a "Comment from Citizens" item. This is a time for the Board to accept input from the public about the Park District. Additionally, as appropriate, the Board President may allow comment at regular meetings on specific agenda items when they are under discussion by the Board. The agenda for each special meeting will allow for public comment on the agenda item(s) for which the special meeting is called.

During the public comment period of a meeting, the Board President will ask if any member of the public wishes to address the Board. When acknowledged, any such individual should stand and state his/her name and address. Each speaker is generally allowed three (3) minutes to make comments. If it becomes apparent that there are large numbers of speakers, the President may shorten this time. The Board President may also impose a limit on the total time allotted at a meeting for public comment in order to enable the Board to be able to complete the regular or special business of the meeting. The Board President may also provide for other procedures such as requiring written submission of questions by note cards provided at the meeting, or other reasonable means, depending on the nature of the agenda item, numbers of individuals seeking to provide comment, and need to facilitate orderly and efficient use of the public comment period.

The Board normally will not respond to public comments at a meeting. Since most issues brought forth during "Comments from Citizens" are either accepted in their entirety or require Board members to gather additional information before deciding how to proceed, an issue may be referred to staff or a Commissioner for additional investigation and brought back to the Board as a New Business item at a future meeting. If "Comments from Citizens" concerns an item on the current meeting agenda "Action Items" list, the Board President may allow Commissioners to ask questions of the public for the purpose of clarification or to gather further input pertaining to the action item.

Lack of an immediate response to public comments or presentations should not be interpreted as anything other than a commitment by the Board to take the issue under advisement for possible future action.

Personnel matters and other confidential matters identified in Section 2(c) of the Illinois Open Meetings Act will not be addressed during "Comments from Citizens".

Rules Governing Recording of Meetings

Any person desiring to photograph, or to audio or video record a Board or committee meeting open to the public may do so subject to the following rules. It is the intent of the Board in adopting these rules to provide reasonable access and opportunity to persons desiring to photograph or make such recordings while at the same time avoiding disruption to and interference with the conduct of the meeting, including the deliberative process, or the ability of other persons attending the meeting to see or hear the proceedings, or the creation of unsafe conditions or damage to property.

1. All recording equipment must be in place prior to the commencement of the meeting.
2. No equipment, wiring or accessory may be affixed or attached to any Park District property without the prior consent of the Executive Director, which consent may be withheld at the discretion of the Executive Director.
3. No person photographing or recording the meeting shall by position, location or movement of self or equipment interfere with or obstruct any person's view of the meeting or ability to hear the meeting.

4. No person photographing or recording the meeting shall by position, location or movement of self or equipment block or obstruct access to or from the meeting or to or from the seating in the meeting or to or from any emergency exit in the meeting room or constitute a tripping or other hazard.
5. Equipment or devices used may not emit sounds that are distracting to members of the audience or the Board.
6. While the use of special lighting necessary to photograph or video record a meeting is permitted, flashbulbs or other lighting that creates a glare or shines in the eyes of persons attending or participating in the meeting or is otherwise obtrusive or distracting is not permitted. The President of the Board may require that such forms of artificial lighting not be used.
7. All recording equipment and wiring used shall conform to applicable electrical codes. No accessory shall be plugged in or attached to any electrical outlet that enables more equipment to utilize the outlet than would normally and safely utilize the outlet.
8. Persons operating equipment necessary to photograph or record the meeting shall be given a reasonable opportunity to modify their actions in order to conform to these rules.
9. If any provision of these rules or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these rules or the application thereof to other persons and circumstances.

1.04 GENERAL CONDUCT OF THE BOARD

The Board of Park Commissioners recognizes the need for decision making and public responsiveness which requires a commitment to sound policies. In order to establish a high degree of efficiency among Board members in the performance of their duties, members:

1. Shall avoid making individual pronouncements and public conjectures outside of official Board Meetings about Park District matters not yet decided by the Board.
2. Shall represent all the people of the Park District while avoiding partisanship based on special interests.
3. Shall make decisions involving the welfare of the Park District based on study and evidence recognizing that personal feelings, opinions, and other such factors are not conducive to sound decision-making.
4. Shall act collectively as a Board and not as individuals. Commissioners should abide by the majority vote (or other vote as may be required by law) of the Board and support the determination of the Board.

5. Shall respect the Board's commitment to work through the Executive Director by requesting desired information about the parks and recreation programs, by referring suggestions for new policies, for his professional advice, by refraining from acting on any complaint until after the Executive Director has had an opportunity to investigate fully and report to the Board, and by wholeheartedly supporting Board approved actions of the Executive Director and his staff.
6. Shall speak or act for the Board only when specifically authorized to do so by action of the Board.
7. Shall understand and respect the separation of Board responsibilities and functions from those of the Executive Director and Park District staff.
8. Shall serve as an active, voting member of the Board in advancing the Park District's Mission and carrying out Board responsibilities; share the responsibility for effective Board leadership through participation; adhere to Board policies; regularly attend and be attentive at scheduled Board and committee meetings; attend Board retreats, in-service workshops, Board self-evaluations and other Board development activities; and attend and participate in special events and Park District functions and, as needed, community functions.
9. Shall review and become well-informed about issues and agenda items in advance of meetings; respect and consider the opinions of and input received from the public; respect the various points of view of fellow Board members and the principle of collective decision making; participate in Board and organizational decision making; and maintain the confidentiality of matters considered in closed sessions or closed meetings until the Park Board determines that the need for confidentiality no longer exists and votes to release the minutes of the session or meeting to the public.
10. Shall avoid potential conflicts of interest and the appearance of impropriety. Commissioners are subject to the State Officials and Employees Ethics Act (5ILCS 430/ *et seq.*), as now and hereafter amended, and Park District Ordinance No. 04-104, the Niles Park District Ethics Ordinance. *See* Section 1.05 of this Manual. Commissioners are further subject to, and must comply with, the Public Officer Prohibited Activities Act (50 ILCS 105/0.01 *et seq.*), as now and hereafter amended, and any and all other applicable conflicts of interest provisions, whether established by federal, state or local laws or by common law.

1.05 BOARD MEMBER ETHICS AND CONFLICTS OF INTEREST

Board members are expected to be of high moral and ethical character and work together as a team to serve the community by delivering top quality park and recreation opportunities. Each Board member is expected to act in the best interests of the Park District and be free of outside influence and self-interests. In accordance with this policy, Board members will educate themselves about and comply with all other federal, state and local laws, regulations, and ordinances applicable to the conduct of the Park District's elected officials. These include but are not limited to, the Open Meetings Act, the Public Officials Prohibited Activities Act, the Public Officer Prohibited Activities Act, the Government Ethics Act, the official misconduct and

public contracts provisions of the Illinois Criminal Code, the Illinois Human Rights Act, and the Park District's own Ethics Ordinance.

Gift Ban

Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member (parents, children, grandparents, grandchildren, siblings, in-laws) 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.

The following is not applicable to the above:

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. 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.
6. 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.

7. 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.
8. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental 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.
9. Bequests, inheritances, and other transfers at death.
10. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Conflicts of Interest

The Board of Park Commissioners recognizes that the Niles Park District's success and reputation is dependent upon and entrusted to the honesty, integrity, and ethical standards of its Board members’.

Each action taken by a Board member in the course of their duties will be motivated by the Park District's best interests and will be free of outside influence and self-interests. In addition, Board members shall not in any way be directly or indirectly vested in any aspect of the Park District's operations.

The determination of an act of conflict of interests and the action taken to impose a penalty will be the responsibility of the Board for one of their members as well as the Executive Director, and the Executive Director for one of the staff members.

In accordance with this policy, Board and staff members will comply with the following:

1. Board members must disclose all memberships or financial interest in companies or organizations doing business with the Park District.
2. Board members must abstain from voting on any action in which they have a financial interest.
3. Board members will file a Statement of Economic Interest annually with the county with a copy retained by the Board Secretary.
4. Board members will not accept any remuneration in money or services from any vendor or organization doing business with the Park District.

1.06 POLICY REGULATING COMMUNICATIONS BETWEEN

PARK BOARD MEMBERS

Section 2(a) of the Open Meetings Act provides that the governing boards of units of local government, including boards of park commissioners, may discuss public business only at a public meeting held after giving public notice. This requirement does not apply to discussions between any two members of a five-member park board or board committee.

The requirements of the Open Meetings Act apply not only to in-person discussions, but to “other means of contemporaneous interactive communications,” including telephone calls, video or audio conferences, electronic mail, electronic chat and instant messaging. The Board wishes to comply with both the letter and the spirit of the Open Meetings Act, and therefore adopts the following policy.

Three or more members of the Board shall not discuss the business of the Park District, and a majority of a quorum of any Board committee shall not discuss the business of the committee, in any of the following ways, except after full compliance with the requirements of the Open Meetings Act:

- (1) in person;
- (2) by conference telephone call or other video or audio conference;
- (3) by person-to-person telephone conversations in which the views, opinions or ideas of one or more commissioners are communicated to other park board members for comment, discussion or other similar response;
- (4) by participation in social media “
- (5) by direct or forwarded e-mail messages in which the views, opinions or ideas of one or more commissioners are communicated to other park board members for comment, discussion or other similar response;
- (6) by letters, notes or any other writings that are circulated or forwarded by mail or by personal or messenger delivery by one or more commissioners to other park board members for comment, discussion or other similar response.

Nothing contained in this policy shall be construed as prohibiting a Board member from disseminating information or messages about Park District business to any other Commissioner either in person, by telephone, by e-mail or in writing, provided that no comment, discussion or other similar response is requested or received from more than one Commissioner. Board members should retain hard copies of any such transmittals for a period of at least two years.

1.07 REMOTE ATTENDANCE POLICY

The purpose of this remote attendance policy is to allow members of the Park Board of Park Commissioners of the Niles 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. Subject to the limitations set forth in Section 2 below, a Board member may attend any meeting by remote means if the Board member is prevented from physically attending the meeting because of a qualifying event.

2. No Board member may attend any portion of a meeting by remote means unless:
 - a. a quorum of the Board is physically present at the Meeting; and
 - b. he or she provides written notice to the Secretary specifying the qualifying event at least one hour prior to the meeting at the Park District's principal office; and
 - c. the remote means being utilized is fully functional so as to allow all Board members and any member of the audience to hear all communications taking place at the meeting.
3. No Board member may attend a meeting by remote means for any reason other than a qualifying event. A qualifying event means;
 - a. personal illness or disability;
 - b. a family or other emergency
4. Rules of procedure when remote attendance is utilized
 - a. When any Board member 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 Board member attended the meeting by remote means and
 - ii. every Board member shall be identified during all Board discussions so that each Board member is aware of which Board member is speaking at all times.
 - b. A Board member 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 Board member attending by remote means and whether and to what extent such other persons are able to hear the discussions at the meeting.
5. If any provision of this policy conflicts with any provision of the Open Meetings Act, the provisions of the Open Meetings Act shall prevail.

6. This policy was approved by a majority of the Board at its meeting held on October 19, 2021 and becomes effective on October 19, 2021.
7. This Policy may be amended by a majority vote of the Board at any time.

1.08 VACANCIES DECLARED

Whenever any member of the Park Board of Commissioners shall:

1. die,
2. resign,
3. cease to be a registered voter in the Niles Park District
4. convicted of a felony
5. willfully refuse or neglect to take his oath of office

may be declared vacant by the Board and may be filled by appointment by a majority of the remaining members of the board.

The failure of any member of the Board to be present at six (6) or more regularly scheduled meetings of the Board within any twelve (12) month period shall be cause for the President of the Board or the Board to convene a closed session meeting to consider whether the office of Board member of such a member shall be declared vacant.

1.09 EXPENSE REIMBURSEMENT

Only those expenses necessary for training, development and other reasonable expenses incurred related to the exercise of official duties are reimbursable. Activities such as parks and recreation conferences, training sessions, and educational seminars are examples of and considered allowable expenses. Expenses by family members accompanying a Commissioner are not reimbursable. Commissioners may attend conferences and other training opportunities at their own expense if they are otherwise ineligible for reimbursement. Expenses for Park District representatives to participate in community and Park District associate events are also allowable.

1.10 CONSULTANTS

The Board of Park Commissioners recognizes the need from time to time to utilize the services of a consultant(s) for a special project or projects.

The Board shall appoint such attorneys, counsel, engineers, architects, accountants and others as the Board shall determine prudent.

The consultants shall have such powers and duties as hereinafter vested in them by the Board.

The Board shall determine the consultant's amount of compensation, if any.

The Executive Director shall be involved with the Board on all aspects relating to such an appointment, and shall work directly with the consultant in completing his/her assigned responsibilities and tasks.

1.11 LEGISLATIVE ADVOCACY

The Board of Park Commissioners recognizes the necessity and desirability to have local, state or federal legislation that is in the best interests of the Niles Park District.

The Board and Executive Director shall study and research, when the need arises, any legislation existing or proposed that has or potentially could have an effect upon the Park District.

The Executive Director shall advise and/or recommend to the Board any action to be taken regarding said legislation, existing or proposed. The Board shall then decide the course of action to be taken and officially approve action at a regularly scheduled or special Board Meeting.

The Board must officially approve any action before the Park District's position can be related by the Board, the Executive Director, or the staff.

In the case of an emergency situation, where time does not permit Board study, research and/or approval at an official meeting, the Executive Director will attempt to obtain the informal consensus of the Board, make a decision and report back to the Board at the next regularly scheduled Board Meeting of the action taken.

1.12 LEASES

The Board of Park Commissioners recognizes that from time to time it would be in the best interests of the Niles Park District to become a partner in a lease agreement. The Park District may:

1. Lease from any public building commission any real or personal property for the purpose of providing office space for administrative functions for a period not to exceed 10 years, and may pay rental in accordance with the terms of the lease and enter a lease without making a previous appropriation for the expense with a 4/5 vote of Board members.
2. Lease equipment and machinery for corporate purposes for a period not to exceed 5 years upon an affirmative vote of 4/5 of Board members.
3. Lease real estate for corporate purposes for a period not to exceed 50 years upon an affirmative vote of 4/5 of Board members.
4. Lease as otherwise authorized by the Illinois Park District Code.

1.13 ACQUISITION OF ASSETS

The Board of Park Commissioners recognizes that the means by which the Niles Park District can secure assets is by lease, purchase, gift, bequest, exchange, and donations.

The Executive Director shall research and study the best method of securing an asset or assets at a given point in time while following the state statutes regarding the acquisition of any item for the Park District.

The Executive Director shall also determine whether or not an acquisition would be in the best interests of the Park District, and when an adequate budget is available for the acquisition, subsequently present a recommendation to the Board.

All acquisitions considered by the Park District for acceptance must include a long-term maintenance and/or funding plan to ensure their usefulness to all the constituents of the Park District.

1.14 FINANCES

The Board recognizes that the financial integrity of the Park District must be maintained through a sound financial plan outlining expected revenues and expenditures for all Park District funds. The Board shall exercise prudent financial judgment and practice so that the Park District remains financially sound. The Board shall review and approve the proposed Annual Budget of the Park District) The Board will also regularly review reports regarding the Park District's financial status.

Debt Service

The Board of Park Commissioners recognizes that the Niles Park District has a responsibility to develop and maintain payment of debt on a regular basis.

The Park District shall follow all applicable statutes on debt limits and restrictions. Debt shall be a suitable alternative means of financing capital asset acquisitions with the term of the debt no greater than the tangible life of the acquisition. Temporary debt of a short-term nature may occasionally be necessary for operations due to a lack of cash availability. However, it is the desire of the Board to finance all current expenses with the use of current available funds whenever possible. Any exception to this procedure must be by Board action.

1.15 SALE OF REAL ESTATE

The Board of Park Commissioners recognizes that a situation might arise where consideration may be given to the sale of real estate when it is determined to be in the best interests of the Niles Park District.

All disposition or exchange of assets shall be authorized by the Board following recommendation by the Executive Director outlining:

1. The cause for the action.
2. The determination of value.
3. The statutory authority permitting such.

In the disposition of real estate, the Board shall comply with the Park District Code and other applicable Illinois law.

1.16 NAMING OF PARKS, RECREATION AREAS, AND FACILITIES

The Board of Park Commissioners recognizes the need to properly identify all park and/or recreation areas within the jurisdiction of the Niles Park District. The naming of all such park or recreation areas shall be a function of the Board.

Designation of such names shall be based upon geographical, historical, or ecological relationships indigenous or of significance to the region.

In cases where individuals have provided exceptional contributions and/or service to the Park District, the Board may, at its discretion, officially name a facility or area within a park, or the Park itself, after an individual or group of people. All maps, plats, and other official records and instruments of the Park District shall reflect the Board's action.

Upon officially naming a park or recreation area, the Board shall cause to have erected a suitable sign identifying the park or recreation area.

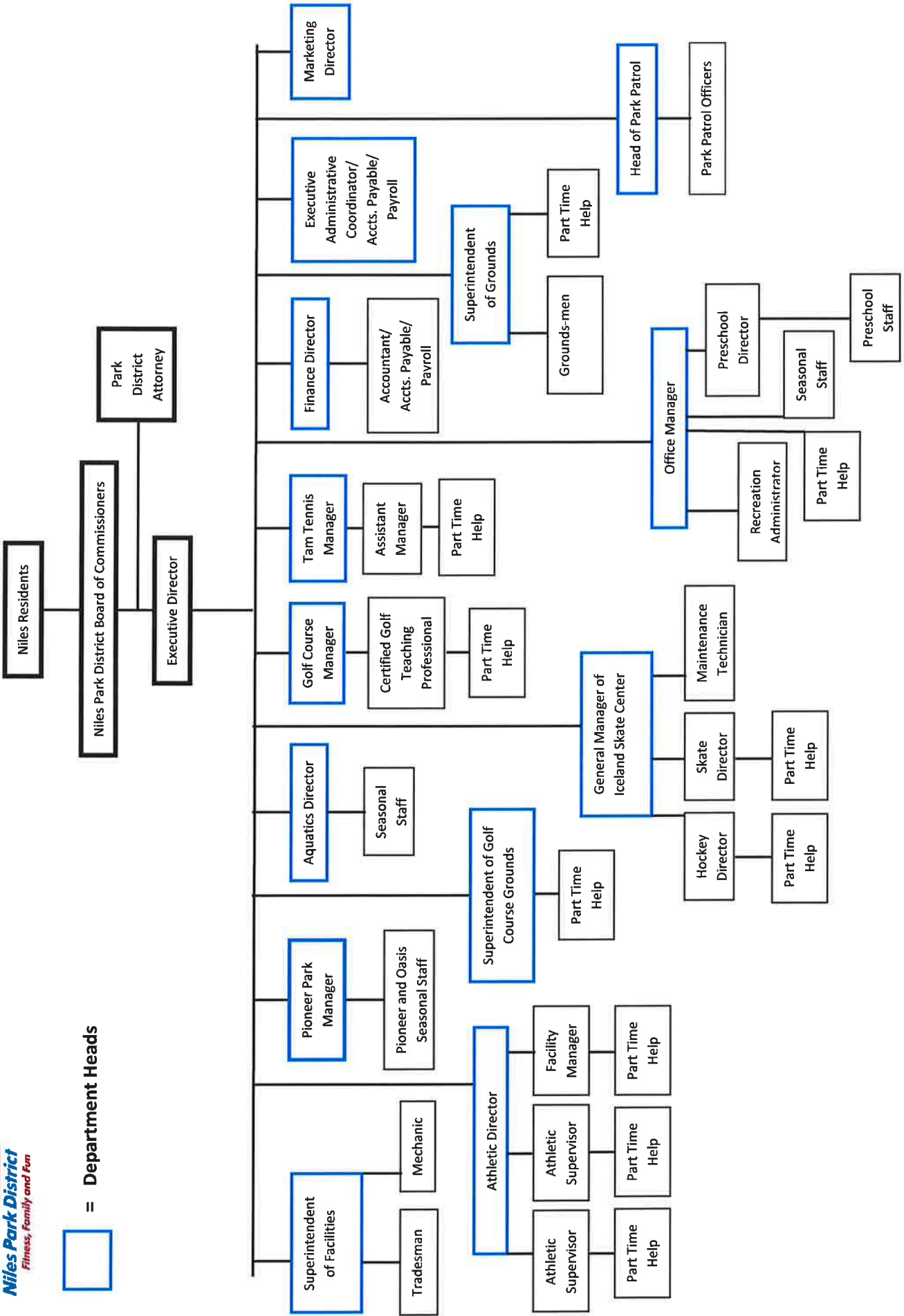
2.00 GENERAL ADMINISTRATION

2.01 ORGANIZATIONAL CHART

The Executive Director shall create a current organizational chart which shall be made available for inspection and copying, and sent through the mail if requested. The organizational chart should be reviewed at least every three years.



Niles Park District Organizational Chart



= Department Heads

2.02 POLICIES AND PROCEDURES DEFINITIONS

The Board of Park Commissioners recognizes that for operational purposes, a difference exists between Board policies and administrative procedures. For purpose of clarification, the following will be the definitions:

Policy

A policy is any plan or course of action reflecting the aims to be achieved by the Park District officially approved by the Board of Park Commissioners of the Nilus Park District.

Policy reflects value judgments on issues related to the purposes of the recreation system and provides guidelines for the operation of the Park District and thus gives positive direction to the Executive Director and staff in the discharge of their duties.

A policy must be formulated and approved by the Board.

Policy statements can take the form of guidelines for the discretionary action of those to whom it delegates authority.

These guidelines for discretionary action shall constitute the policies governing the operation of the Park District. They shall be recorded in writing.

The formulation and adoption of these written policies shall constitute the basic method by which the Board shall exercise its leadership in overseeing the operation of the Park District.

The formal adoption of policies shall be passed by either Board resolution or ordinance and recorded in the minutes of the meetings of the Board. Only those written statements, so adopted, shall be regarded as official Board policy.

All adopted and recorded policies will be placed in the Administrative Policy and Procedures Manual.

2.03 EXECUTIVE DIRECTOR'S ACTION IN THE ABSENCE OF A POLICY

The Board of Park Commissioners recognizes the need to allow the Executive Director to act on emergency situations in the absence of policy.

The Executive Director is authorized to act in emergency situations, as he interprets them, within the Park District whenever the Board has not provided a policy to guide administrative procedure and action, and circumstances preclude obtaining a consensus from the Board prior to needed action.

In those instances where the Executive Director must take action, those actions will be reported to the Board at the next regular meeting together with a recommendation on the wording of a policy statement that will cover future situations.

2.04 FREEDOM OF INFORMATION ACT (FOIA)

The Board of Park Commissioners recognizes the need to make certain that the open deliberations and votes of the Board and other Park District records are available to public. Records subject to disclosure include any materials prepared by, for, or in the possession of the Park District or in the possession of any agency/entity with whom the Park District has contracted to perform a governmental function on behalf of the Park District or that directly relates to the Park District's functions. The Park District can deny a request for records that are specifically exempt from coverage under the Act.

The Act requires that each public body appoint one or more FOIA Officers who annually complete an electronic training curriculum developed by the Illinois Attorney Generals' Office. Their responsibilities include receiving information requests from the public and sending responses in compliance with FOIA. The Executive Administrative Assistant is designated as the Freedom of Information Officer. The Alternate FOIA officer is the Executive Director.

2.05 GRANT APPLICATIONS

The Board of Park Commissioners recognizes the importance of governmental and private grants to the Niles Park District. Such grants serve to reduce the direct financial burden on Park District residents and may serve to make facilities available, which would not be without the financial assistance provided.

The Park District will only solicit grants when it is felt that the grant or grants will serve a specific need and is in the best interests of the Park District.

The Executive Director will pursue the necessary grant application steps in order to secure such grants and keep the Board apprised of its progress.

The Executive Director will also develop and maintain an ongoing grant solicitation program.

2.06 RISK MANAGEMENT

The Board of Park Commissioners recognizes the need to protect Niles Park District from financial loss due to risk exposure and provide a safe working environment for the Park District staff and users of the Park District's facilities and programs.

The Executive Director shall be responsible for the design and implementation of a risk management plan with sufficient insurance coverage to prevent unbearable financial loss to the Park District, subject to approval of the Board. As a part of that risk management plan, the Park District will make every effort to initiate an ongoing loss prevention program and continuing safety training program.

The risk management insurance plan will be reviewed prior to each annual renewal date and changes in coverage will be made when needed or financially desirable. All significant changes require approval of the Board.

2.07 EASEMENTS

The Board of Park Commissioners recognizes that the granting of easements on Niles Park District's property or the requesting of land for an easement for the Park District may from time to time be in the best interests of the Park District.

The Executive Director has the responsibility for determining the Park District's position relating to each individual easement situation taking into consideration the impact upon the site, residents, neighborhood, and the general best interests of the Park District.

The Executive Director will present the recommendations to the Board for its approval concerning the acquisition or granting of an easement.

2.08 MARKETING MATERIALS AND LOGO USE POLICY

The Board of Park Commissioners recognizes the need for professionally-designed marketing materials and the standardized use of Niles Park District logos on Park District publications, including but not limited to fliers, posters, pamphlets, news releases and any other print or electronic publications or web sites, and on Park District shirts, uniforms and vehicles.

2.09 CITIZEN INPUT

The Niles Park District is committed to meeting the park and recreational needs of the community and values citizen input. Citizens can attend any open public meetings and an agenda item named "Comments from Citizens" will appear on all regular meetings of the Board of Park Commissioners to provide a direct method for residents to address the Board.

The Park District may gather input from citizens in several ways:

- Public Meetings

Citizens shall be invited to provide input and comments during the "Comments from Citizens" time of each Board meeting.

- Public Hearings

Public Hearings are held to provide an opportunity for input about parks and facility improvements or concerns on specific topics which may arise. Residents who typically use or are neighbors to a park or facility will be invited to attend. An agenda is generally prepared and minutes are provided following the meeting.

- Park District Website

Public input may be solicited via the Park District's website through formal or informal surveys, questionnaires, blogs, social media sites or other methods deemed appropriate.

- Informal Input

Staff shall be open to receiving feedback and input via telephone, email, regular mail, or in person. Input shall be passed to superiors, advisory committees, and the Park Board as appropriate.

3.00 BUSINESS SERVICES

3.01 FISCAL YEAR

The fiscal year of the Niles Park District shall begin on January 1 and end on December 31.

3.02 CAPITALIZATION AND DISPOSAL OF PARK DISTRICT ASSETS

The Board of Park Commissioners recognizes that it is in the best interests of the Niles Park District to have up-to-date knowledge of the fixed assets of the Park District. Such information will contribute to loss control, provide an organized replacement program, and allow for the complete up-to-date inventory of major Park District assets.

Purpose

To establish criteria for the capitalization of the Park District property.

Definitions

Buildings - any permanent structure built for the purpose of storage, shelter, office space, rest rooms, shower rooms, recreational purposes, etc. also includes any fixture or addition to the building that becomes a permanent part of that building; i.e., fire alarm system, electrical wiring, air conditioning system, furniture, etc.

Land - any real estate owned by the Park District

Land Improvements - additions to land of a depreciable nature, such as paved surfaces, sidewalks, fencing, landscaping, shrubbery, and underground tanks.

Equipment - any machinery or equipment purchased by the Park District.

Base Cost - the net purchase price (excluding applicable taxes and freight charges, if applicable) of a fixed asset.

Acquisition Cost - the cost of acquiring fixed assets and preparing them for use.

Policy

Expenditures for Park District owned fixed assets must be capitalized in accordance with the criteria set forth in this policy; all other such expenditures must be expensed.

Criteria for Capitalization

For an asset to be capitalized it must meet the following criteria:

1. The asset must have a useful life of three years or more.
2. The asset must have a minimum value of \$10,000.00 if it is a vehicle or \$20,000 if it is a piece of Equipment.
3. The asset is an infrastructure addition it should have a minimum value of \$20,000.

Date of Capitalization

Property must be transferred from Construction in Progress (Capital Improvements Funds) to the General Fixed Asset Account Group at the end of the month in which:

1. Title to Land is obtained.
2. A Building, structure, or improvement under construction is substantially occupied or ready and available for use.
3. Land Improvements or other property is ready and available to perform its assigned function.

Amount Capitalized

Amounts capitalized for fixed assets purchased by the Park District consist of the following:

1. The Base Cost of the fixed asset.
2. Other costs of acquiring the fixed asset (such as land, buildings), such as legal fees, brokers' commissions, title search or title insurance costs, recording fees, escrow fees, and other applicable fees.
3. Expenditures for professional services of architects and engineers identified with the construction of property items or improvements to existing property capitalized. Such services include the design, development, and general supervision and detail inspection of construction.

Disposition of Assets

If, in the opinion of at least three-fifths of the Board members, any personal property of the Park District is no longer necessary, useful to, or for the best interests of the Park District, the Park District, upon authorization of three-fifths of the Board members by ordinance, may convey or sell that personal property in any manner that the Board may designate, with or without advertising the sale.

The Executive Director should receive the approval of the Board for the disposal of surplus equipment and equals to or greater than the capitalization threshold.

3.03 FINANCIAL REPORTING

The Board of Park Commissioners recognizes that in order to be knowledgeable concerning the Park District's fiscal condition, a comprehensive and informative reporting system is required.

The Finance Director shall be responsible for providing a monthly financial report and analysis highlighting conditions that require specific Board action with the Board packet for the regular monthly Board meeting.

3.04 PARK DISTRICT RECORDS

The Board of Park Commissioners recognizes the necessity to keep adequate and appropriate Park District records in order to fulfill legal requirements and develop and maintain the proper administrative functions.

The Executive Director shall oversee the development and maintenance of an appropriate recordkeeping system that:

1. meets all of the requirements of the state and federal laws;
2. provides data required for annual audit;
3. meets the needs of the Park District in a timely manner.

The retention and disposal of all Park District records will be in accordance with the Local Records Act (50 ILCS 205/1 *et seq.*), the administrative rules and guidelines established by the Cook County Local Records Commission and the Illinois State Archivist, and any other Illinois statute governing the management of local government records.

3.05 TRANSFER OF APPROPRIATION ORDINANCE ITEMS

The Board of Park Commissioners recognizes that there may be a need to re-allocate certain appropriation items during the course of the Niles Park District's fiscal year.

The Finance Director is responsible for keeping accurate records of all appropriation items and making necessary recommendations for transfers when appropriate. The Park District may, from time to time, make transfers between the various items in a fund, not exceeding in the aggregate 10% of the total amount appropriated in such a fund.

The Board may also, after the first six months of the fiscal year, but prior to the end of the fiscal year, by at least 4/5 vote, transfer from any appropriation item its anticipated unexpended funds to any other item of appropriation, and the item to which said transfer is made may be increased to the extent of the amount so transferred.

3.06 ANNUAL BUDGET AND APPROPRIATION ORDINANCE

The Board of Park Commissioners recognizes that, as required by the Park District Code, the Budget and Appropriation Ordinance will be prepared by the finance department and then submitted for passage no later than the December regular meeting of the Board.

The Budget and Appropriation Ordinance will be placed on file in the Park District offices and be available for public inspection for 30 days prior to the passage. Prior to passage of the Budget and Appropriation Ordinance, a notice must be published notifying the residents of Niles Park District of a public hearing to discuss the proposed Budget and Appropriation Ordinance. Notice of the hearing must be given at least one (1) week prior to the hearing.

After adoption by the Board, the Budget and Appropriation Ordinance will be signed by the President and Secretary and certified by the Secretary. The Ordinance will be filed with the Cook County Clerk within thirty (30) days after passage.

3.07 ANNUAL TAX LEVY ORDINANCE

The Board of Park Commissioners recognizes that the Tax Levy Ordinance will be presented for passage no later than the December regular meeting of the Board.

Each Park District has the power to levy and collect taxes on all taxable property in the Park District for all corporate purposes. All general taxes proposed to the Board to be levied upon the taxable property within the Niles Park District shall be levied by ordinance. A certified copy of such levy ordinance shall be filed with the Cook County Clerk no later than the last Tuesday in December of each year. The Board shall each year take appropriate action at a Board Meeting to comply with the legal requirements for the purpose of levying taxes in accordance with Article 5 of the Park District Code and the Truth-In-Taxation Law (35 ILS 200/18-55 through 35 ILCS 200/18-100).

The Finance Director shall be responsible for the preparation of the proposed tax levy providing sufficient levies in each fund to ensure resources to fulfill goals and objectives set by the Board and be adopted and filed by the third Tuesday of December in the manner prescribed by law.

The President and Secretary will sign the Tax Levy Ordinance and the Secretary will certify the passage of the ordinance for filing with the Cook County Clerk.

3.08 PURCHASING POLICY AND PROCEDURES STATEMENT OF INTENT

The Board of Park Commissioners recognizes the need for materials supplies, equipment and services of a quality and quantity necessary to operate the Niles Park District. Requirements to that end shall be specified to provide full and free competition among potential suppliers.

Financial operations shall be recorded in an established manner and internal controls shall be such that accurate records of all procedures and transactions shall be available for audit purposes.

Procedures

The objective of the purchasing policies and procedure is to set forth a general policy and procedure, which will assist the Park District in purchasing:

1. Material and services of sufficient quality at the most economical price available.
2. In an open, organized and ethical manner.

3. In a manner, which complies with all local, state and federal laws.
4. In a timely manner so that material and services are available when needed, without creating excess inventory.

These policies and procedures are meant to serve as guidelines and may not govern every purchasing situation which may arise. When purchases of an emergency nature are necessary, they should be made in accordance with the objectives outlined above.

General Policy

1. All purchases (including those made with a credit card) \$200 and greater are to be paid from the Park District funds and made through the Business Services Department. Additionally, all credit card purchases must be approved by the appropriate division head prior to contacting the Finance Department.
2. All purchasing shall be made, if possible, on competitive bids or quotations in order to secure commodities, materials, equipment or services at the lowest total cost and that meet the Park District's established specifications, terms of delivery, quality and serviceability.
3. The appropriate division head or designee shall furnish tabulations of all competitive bids received for purchases in excess \$25,000.00, along with a recommendation to the Board.

For all purchase order requests for public works projects as defined by the Prevailing Wage Act, the following language must be included on the purchase order: "To the extent the Illinois Prevailing Wage Act (the "Act") applies to the work performed pursuant to this Purchase Order, Vendor shall provide for the payment of the prevailing rate of wage to all laborers, workmen and mechanics engaged in said work in accordance with the current prevailing wage determination published by IDOL at <http://www.illinois.gov/idol/Laws-Rules/CONMED/Pages/Rates.aspx>. Contractor is responsible for determining the applicable prevailing wage rates at the time of performance of the work. Vendor shall also comply with all other requirements of the Act, including without limitation those pertaining to inclusion of required language in subcontracts, job site posting, maintenance and submission of certified payroll and inspection of records. Vendor agrees to indemnify and hold harmless the Park District for any violations of the Act."

4. For all construction projects, additional language regarding compliance with Prevailing Wage Act will be required. *See* Section 3.10 of this Manual.
5. It shall be the duty of the appropriate division head or designee to:
 - a. Procure for the Park District all supplies and contractual services at the lowest total cost that meet the Park District's established specifications, terms of deliver, quality and serviceability.

- b. Endeavor to obtain as full and open competition as possible on all purchases and sales.
- c. Prescribe and maintain such forms and records as shall be found necessary to maintain purchasing procedures.
- d. Cause to be prepared or prepare as necessary, written specifications detailing the Park District's requirement on items to be purchased.
- e. Keep purchasing records open for public inspection.
- f. Give all salesmen a full, fair prompt courteous hearing.
- g. Never allow a revision in a bid after the closing time.
- h. Keep himself/herself free from obligation to any vendor.
- i. Cooperate with and keep other departments informed as to the status of a requisition, bid or purchased items.

Bidding Process

Purchases in excess of \$25,000 must be in compliance with the Park District Code which provides that: "Every park district shall have and exercise the following powers... to acquire by gift, bequest or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials or work involving an expenditure in excess of \$25,000.00 shall be let to the lowest responsible bidder, after due advertisement. The Park District shall not be required to accept a bid that does not meet the Park District's established specifications, terms of delivery, quality, and serviceability requirements. Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the Park District itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding. Contracts for emergency expenditures are also exempt from competitive bidding when the emergency expenditure is approved by $\frac{3}{4}$ of the members of the Board." 70 ILCS 1205/8-1(c).

Bids must be presented and voted on at a public meeting held by the Board. The Board will award the project/contract to the lowest most responsible bidder in accordance with 70 ILCS

1205/81-(c).

In determining responsibility of the bidder, the Park District shall consider, among other factors, the ability of the bidder to provide experienced labor sufficient in numbers to timely and properly complete the services, conformity with the specifications, serviceability, quality, financial responsibility of the bidder, the performance of the bidder on other projects, and past transactions with the bidder. Any and all bids or portions thereof may be rejected if the bidder is not determined responsible or the character or quality of the services, supplies, materials, equipment or labor do not conform to requirements or if the Board deems the acceptance to be contrary to the best interests of the Park District. In addition, the bid document must be returned in its entirety and completed in black ink to the appropriate division head or designee. Bids that are not complete will be considered non-responsive and will not be considered.

Bid Guidelines

All bids shall be submitted on the bid forms as supplied by the Park District. Care should be exercised by the bidder that all amounts on the bid form are correct.

1. Taxes

The Park District is exempt from local and State of Illinois Sales Tax and from Federal Excise Tax and these must not be included in the bid or invoice price.

2. Delivery Date

All bids shall state the approximate delivery or completion date(s).

3. Terms

Payment terms shall be in compliance with the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) Notwithstanding the forgoing, in some cases (shall not apply to any contracts for construction), if specified in the Instructions to Bidders, the bidder may specify terms of payment the bidder wishes to offer to the Park District. Discounts, where available, will be deducted from the base bid in determining the low bidder, including cash discounts allowed for payments made within 10 days.

4. Shipping point

All bid prices shall be F.O.B. delivered and assembled (if necessary). Any and all shipping and delivery charges shall be included on all bids/proposals and specified as such. All deliveries require a telephone call 24 hours prior to delivery.

5. Samples

If samples are required to be submitted with the bid, or as part of the bid review process, they will be held until after an award is made unless otherwise specified. Should a vendor wish to submit a sample for trial use, the product must be presented at no cost or

obligation to the Park District.

Bid Bond

A bid bond or a bank cashier's check may be required in certain instances for projects competitively bid. Such security will be used as a guarantee that the successful bidder will enter into a contract with the Park District for the services/supplies required by the bid and provide a performance and/or labor and materials payment bond if required by the Instructions to Bidders.

The bid security deposit will be retained by the Park District such a period of time as is specified in the Instructions to Bidders. For all construction projects over \$50,000 the successful bidder will be required to furnish a performance and/or labor and materials payment bond in compliance with the Public Construction Bond Act (30 ILCS 550/1 *et seq.*). On all other projects, the successful bidder may be required to furnish a performance and/or labor and materials payment bond as determined by the Park District and as specified in the Instruction to Bidders. The extent of coverage and terms shall be included in the Instructions to Bidders.

Submitting Bids

All bids must be received in an envelope sealed and marked as indicated in the Legal Notice/Invitation to Bid and the Instructions to Bidders and must be delivered personally or mailed in time to be received by the Park District before the date and time stated for the opening of bids. Bids received after the designated time will be returned unopened and will not be considered. Faxed or emailed bids will not be accepted.

Opening of Bids

Formal bids shall be opened publicly on the date and time specified in the Legal Notice/Invitation to Bid and the Instruction to Bidders. The appropriate division head or designee shall preside at the bid opening. Once opened, no bid shall be withdrawn for a period of time as specified by the Instructions to Bidders.

In addition to other prohibitions set forth in Section 33E-5 of the Illinois Criminal Code (720 ILCS 5/33E-1 *et seq.*), Section 33E-5 states that an official or employee of the Park District may not knowingly open a sealed bid at a time or place other than as specified, in the invitation to bid or as otherwise designated by the Park District, or outside the presence of a witness. An official or employee may not knowingly disclose to any interested person any information related to the terms of a sealed bid, or any bidder's responsiveness to the terms of a sealed bid, except as provided by law or as necessary to the performance of an official's or employee's responsibilities relating to the bid. Violation of this section is a felony. Any bid, offer or proposal for contract, sealed or otherwise, must be in compliance with Section 33E-6 of the Illinois Criminal Code. It is a felony for an official or employee to knowingly convey, outside of the publicly available official invitation to bid or pre-bid conference, to any person who has submitted or intends to submit any bid or proposal, any information concerning the specifications for such contract or the identity of any potential sub-contractors, where inclusion of such terms or contractors in the bid or offer would influence the likelihood of acceptance of such bid or offer. It is also a felony if a bidder or officer is knowingly informed that the bid or offer will be accepted only if specified subcontractors are included.

All contracts must otherwise comply with 720 ILCS 5/33E.

Tabulation and Award

All bids received shall be tabulated. If an award is to be recommended to other than the lowest bidder, justification must be made in writing. A recommendation shall be prepared by the appropriate division head or designee and sent to the appropriate Superintendent with a copy of the bid. The Superintendent then prepares a cover memo and forwards this packet to the Board for their approval.

Following the award of contract, an on-line purchase requisition is prepared. Upon approval/s of said purchase requisition, a purchase order or contract will be issued to the successful bidder.

General Payment Procedure

1. Originator of purchase verifies goods are received and that goods received match the specifications. Accounts payable clerk compares invoice price/s against purchase order/contract price/s and makes any necessary adjustments, after consulting with the originating department and in compliance with the terms of the purchase order/contract. In the event of any discrepancy between the materials received and the packing slip, the discrepancy must be notated on the packing slip and reconciled on the invoice.
2. When receiving materials, the packing slip or receiving report provided by the vendor must be forwarded to accounts payable for attachment to the invoice.
3. Any invoice logged that is in excess of the amount of purchase authorized will be investigated to prevent a double payment.
4. Invoices are entered into the computer. Checks are cut, and a check register is approved by the Finance Director and printed. After the check register has been approved the checks are mailed.

Emergency Purchases

In the course of Park District operations, it will be necessary from time to time for employees to make purchases on an emergency basis. An emergency purchase shall be considered to be warranted when the purchase of supplies, equipment or service is necessary, without strict adherence to the purchase order procedure, to maintain continuation of vital Park District services, however if the cost is in excess of \$25,000.00 the bid approval process must be adhered to, unless $\frac{3}{4}$ of the members of the Board approve by resolution that the emergency is exempt from bidding.

In the case of an emergency purchase that does not require Board approval, a brief note on the purchase requisition indicating the need for the emergency purchase should be provided to the Finance Department no later than noon of the working day following the emergency purchase. (In those cases where the need occurs on a Friday, the purchase requisition shall be received by

the Finance Department by noon of the following Monday.)

Follow-Up/Expediting of Orders

Business Services will maintain a record of all orders placed and will whenever practical and feasible follow or trace each outstanding order. However, it shall be the responsibility of the requestor to provide Business Services with a realistic delivery date on each requisition that in the user's opinion is required within a certain period of time.

Ethics

The appropriate division head or designee shall not, directly or indirectly, solicit or accept any money, services or other valuable gifts and shall act in a capacity that demonstrates professional conduct by transacting business in a fair and impartial manner at all times.

3.09 PERFORMANCE BOND AND PAYMENT BOND REQUIREMENTS

For all Park District construction projects over \$50,000, the Public Construction Bond Act (30 ILCS 550/0.01 *et seq.*) requires that a performance bond and labor and material payment bond be provided by the contractors performing the work. Said bonds shall cover the faithful performance by the contractor of the work in compliance with the specifications and the proper payment all debts incurred by the contractor in the prosecution of the work, including those for labor and materials furnished for the work. The cost of each bond shall be included in the contract sum for the project. The amount of the bonds shall be equal to one hundred percent (110%) of the contract sum of the project. The contractor shall include in such bonds a provision that guarantees the faithful performance of the Prevailing Wage Act provisions of the contract. Bonds shall be written by surety, approved by the Park District, with a minimum rating of A-in A.M. Best's Insurance Guide, Moody's Investors Services, Standard & Poor's Corporation, or a similar rating agency. The company must also be licensed in the State of Illinois. Bonds shall be issued by a surety satisfactory to the Park District and shall name the Park District as a primary co-obligee.

At the discretion of the Niles Park District, for trade contracts less than \$50,000, the requirement of a performance bond and labor and material payment bond as referenced above may be waived, provided that the following conditions are agreed to, fulfilled, and documented in the contract. All requirements will be specifically spelled out in the Instructions to Bidders.

1. **DEPOSIT:** A deposit (certified check) in the amount of ten percent (10%) of the bid amount shall be required and retained by the Park District in an interest bearing account as partial security for the bidder's faithful performance of the contract and as partial security to secure payment from the contractor to underlying suppliers of labor and material. The deposit is in addition to any bid bond required for the project.
2. **PAYMENTS AND RETAINAGE:** One-half (1/2) of the contract amount, less retainage of ten percent (10%) of the pay request amount, shall be paid upon completion of fifty percent (50%) of the contract work. The remaining one-half

(1/2) of the contract amount, less additional retainage of ten percent (10%) of the request amount, shall be paid at the completion of one hundred percent (100%) of the contract work.

3. DOCUMENTS REQUIRED FOR ONE HUNDRED PERCENT (100%) COMPLETION: The contract work shall not be considered one hundred percent (100%) completed until the following documents have been completed and approved by both the Park District and Architect:
 - a. Punch list and all punch list items have been completed;
 - b. Final waivers of lien and sworn affidavits are submitted;
 - c. Certified payroll for each pay period during the duration of the project;
and
 - d. Any and all other documentation required by the Park District and Architect.

4. PAYMENTS TO UNDERLYING SUBCONTRACTORS AND MATERIALS SUPPLIERS: When making a request for payment, contractor shall certify that no underlying subcontractor or materials suppliers exist, produce waivers of lien evidencing full payment to underlying subcontractors and material suppliers, or shall provide the name, address, and amount owed to such underlying persons or entities. If any underlying subcontractor or material supplier exists for whom a waiver of lien has not been received, and no dispute exists with the performance of said subcontractor or material supplier, the Park District may draft its check directly to same, crediting the amount against the total contract amount owed the contractor.

5. PAYMENT OF DEPOSIT AND RETAINAGE: Deposit plus accrued interest and retainage shall be paid to the contractor not more than thirty (30) days after completion of one hundred percent (100%) of the contract work and submittal and approval of all documentation. In the event the contractor fails to perform its obligations under the contract or otherwise fails to achieve one hundred percent (100%) completion of the contract work, then the Park District may retain the deposit and retainage, plus accrued interest, to complete or remedy the work. The Park District's use of deposit and retainage funds in this manner shall in no way limit the Park District's rights against the contractor.

If the amount of the contract is less than \$100,000 and the project is not funded by any federal aid funds, motor fuel tax funds, or other state funds, the Park District has the option under the Public Construction Bond Act to consider accepting a non-diminishing irrevocable letter of credit in lieu of the performance bond and labor and material payment bond. The letter of credit must be issued by an Illinois or United States bank which is authorized by law to issue letters of credit and maintain its principal office in Illinois, be in the principal amount of the contract, have an expiration date extendable by the Park District if the project has not been completed and/or the maintenance or warranty periods have not expired before the expiration date stated in the

letter of credit, be non-diminishing in its principal amount, except for reduction by the amount of any drafts drawn and paid under the letter of credit, is in a form and from an issuer satisfactory to the Park District, and otherwise complies with the Public Construction Bond Act. If the contractor desires to submit a letter of credit for the Park District's consideration, the contractor must submit the form of the letter of credit and the proposed issuer within five (5) days of the Park District's acceptance of contractor's bid or proposal or as otherwise specified in the Instructions to Bidders. The Park District shall promptly advise the contractor of acceptance, rejection, or required modifications of the letter of credit and of the proposed issuer. If the letter of credit is rejected, the contractor shall provide the performance bond and labor and material payment bond, as outlined above, within five (5) working days of notice of such rejection. The letter of credit may be drawn upon or the bonds enforced by the Park District upon default by the contractor in the performance of any of contractor's obligations under the contract.

Before drawing on the letter of credit, the Park District shall first provide the contractor at least three (3) days advance written notice of the intended draw, except if the default occurs within fourteen (14) days of the expiration of the letter of credit. The Park District need only attempt to provide such notice by telephone or facsimile. If the purposes for which the letter of credit are not fully completed thirty (30) days before the expiration of the letter of credit, the Park District may require the issuer to extend the letter of credit an additional one hundred eighty (180) days, as often as necessary, until the purposes for which the letter of credit has been presented are fully satisfied. The failure of the issuer to extend the letter of credit upon notice from the Park District or within five (5) days thereafter shall be deemed a default for which Park District may draw on the letter of credit.

The contractor shall deliver the required bonds to the Park District not later than three (3) days following the date the Agreement for the project is entered into, or if the work is to be commenced prior thereto, in response to a letter of intent, the contractor shall, prior to the commencement of the work, submit evidence satisfactory to the Park District that such bonds will be furnished. The contractor shall require the attorney who executes the required bonds on behalf of the surety to affix thereto a certified and current copy of the power of attorney.

The Park District may require that all bid proposals be accompanied by a bid bond or bank cashier's check payable to the Niles Park District for ten percent (10%) of the amount of the bid. The bid security of all except the three (3) lowest responsive and responsible bidders will be returned after the decision to accept or reject bids by the Niles Park District Board of Park Commissioners. The bid security of the successful bidder will be returned after acceptance by the Park District of an acceptable performance bond, labor and materials/payment bond and a certificate of insurance naming the Niles Park District as the certificate holder and as additional insured, and the successful bidder has executed and returned to the Park District the contract for the work presented by the Park District.

3.10 BOND RATING

The Board of Park Commissioners requires that the Niles Park District apply and receive a Bond Rating from Moody's Investor Services when the Park District goes out for bid and sale of its municipal bonds.

3.11 CONSTRUCTION CHANGE ORDERS

The Board of Park Commissioners recognizes that change orders happen during the construction process. To address the approval of these change orders the following policy is in effect.

1. The Niles Park District's project manager determines there is a valid need for a change order and negotiates costs and scope with the contractor.
2. A written change order is prepared for review with the appropriate division head and the Executive Director.
3. The Executive Director receives verbal approval from the Board President.
4. If approved, the change order work is completed by the contractor.
5. At the next Board meeting the change order is formally approved by the Board.

Notwithstanding the forgoing, in compliance with the Public Works Change Order Act (50 ILCS 525/1 *et seq.*), in the event the change order authorizes or necessitates an increase in the contract price that is fifty percent (50%) or more of the original contract price, then the portion of the contract that is covered by the change order must be resubmitted for bidding in the same manner in which the original contract was bid.

3.12 RESIDENCY POLICY

Since residents contribute to the total operation of the Niles Park District through tax levies, fee structures for non-residents are higher. Boundaries for the Park District are specific and are different from those of the Village of Niles. The list below represents all resident/non-resident criteria within the Park District.

In order to qualify for a resident rate when registering for a Park District program or purchasing a facility pass or membership, the individual's primary residence must be within the Niles Park District boundaries. Any owner of real estate paying taxes to the Park District will be considered a resident, as will his immediate family. Immediate family is defined as husband, wife, civil union partner, life partner and children who reside at the owner's household.

1. Resident Fees
 - a. Individuals - In order to be eligible to use the Park District's programs or facilities at the lower resident fee, participants must reside within Niles Park District boundaries and pay taxes to the Niles Park District. Proof of residency is required. Any of the following items may be submitted as proof of residency: utility bill, tax bill, or driver's license (additional proof of residency may be required).
 - b. Business Owners – Business owners (and their immediate families) who own a business in Niles and pay taxes to the Niles Park District are eligible for resident rates. Business owners must show a copy of their tax bill as proof that they pay taxes to the Niles Park District.

- c. Residents will receive priority registration and will register before non-residents.

2. Non-Resident Fees

- a. Non-residents will pay 10%-25% higher fees than residents for all program registration fees (unless indicated differently below).
- b. Non-residents will pay 10%-25% higher fees at facilities for admission/entrance fees and membership fees (unless indicated differently below).
- c. Non-residents will register after Park District residents who receive priority registration.

3.13 ANNUAL AUDIT AND ANNUAL FINANCIAL REPORT

Annual Audit

The Board of Park Commissioners authorizes an independent auditing firm to audit the books of the Niles Park District for the past fiscal year. All accounts, receipts, disbursements, etc., are subject to audit and a report is received from the auditing firm by the Board of Park Commissioners at a regular meeting thereafter.

Copies of the audit are provided for the Board of Park Commissioners, the Treasurer, and the Executive Director. A copy of the audit must be filed with the State Comptroller's Office within six (6) months of the close of the fiscal year, one copy must be filed with the Clerk of Cook County, and a copy will be posted on the Park District website.

Annual Financial Report

The Park District must also file an Annual Financial Report with the Comptroller's Office in compliance with 50 ILCS 310/3. This report will be filed on forms provided by the Comptroller's Office and does not require professional accounting services for its preparation.

A copy of the Annual Financial Report must be filed with the State's Comptroller's Office within six (6) months after the close of the fiscal year. One report will also be filed with the County Clerk and one report will be retained for Park District records. The Treasurer will also ensure that a copy of the Annual Financial Report is posted on the Park District's website within 30 days after approval of the Report by the Board.

Both the Annual Audit and the Annual Financial Report must comply with the requirements of the Governmental Account Audit Act (310 ILCS 0.01 *et seq.*)

3.14 INTERNAL ACCOUNTING PROCEDURES

The Board of Park Commissioners recognizes that from time to time certain internal accounting procedures may need to be maintained, improved, and/or developed.

All accounting and internal auditing procedures for the Niles Park District shall be under the supervision of the Finance Director, in coordination with the Business Services Division.

3.15 REVENUES AND EXPENDITURES

The Board of Park Commissioners recognizes an integral aspect of the financial operations of the Park District is the collection of revenues and the disbursement of payables.

Staff has the responsibility of paying all obligations on a timely basis (to include discounts when applicable) with the proper documentation. Staff also has the responsibility of the timely collection of all revenues from fees and charges, permits, and registration fees. Disbursements shall be subject to Board approval.

The Executive Director is authorized to issue purchase orders up to the Illinois state bid requirement. Disbursements requiring payment prior to Board approval shall be authorized by the Executive Director utilizing the most appropriate method of payment. All such payments shall be authorized by the Board at a subsequent meeting.

Any disbursement to an employee of the Park District, other than payroll, shall be fully documented and supported by third party verification (Finance Director).

After the close of the fiscal year, the Park District shall produce the annual listed disbursements as prescribed by law.

3.16 PERSONNEL RECORDS

The Park District shall maintain a personnel file for each employee. All pertinent employment information and forms, including without limitation, employment application, references, evaluations, commendations, disciplinary actions and other official employment records will be contained in this secured, locked file. All employee medical records, insurance and retirement account enrollment forms will be maintained in a separate locked file. All Form I-9's for all employees will be maintained in a separate locked file. All files are located in the Human Resource Office.

Each full-time employee file shall contain the following:

1. Employment Application
2. Resume (Required for professional positions.)
3. Accepted offer letter
4. Reference Check Forms and documentation
5. Approved full-time staff payroll entry form
6. Illinois W-4 and Federal W-4 forms
7. Employee Information and Emergency Contact Form
8. Signed Employee Acknowledgement form acknowledging receipt of the following the Park District Manuals: Personnel Policy Manual for All Staff, Safety and Crisis Management Plan Manual, Appearance Guidelines Manual, Niles Park District Standards Guide, and DCFS Manual for Mandated Reporters.

The Employee Acknowledgement form also acknowledges that the employee is aware of and will comply with all policies, rules and guidelines within these manuals and specifically the: Non-discrimination and Anti-Harassment Policy; Alcohol and Drug Abuse Policy; Criminal Background Check Policy; Driver Abstract Policy and the Technology Use Policy.

Each part-time employee file shall contain the following:

1. Employment Application
2. Resume (optional) Reference Check Forms and documentation
3. Part-time/Seasonal New Hire/Reactivation Form
4. Employee Information and Emergency Contact Form
5. Illinois W-4 and Federal W-4 forms
6. Signed Employee Acknowledgement form acknowledging receipt of the following Park District Manuals: Personnel Policy Manual for All Staff, Safety and Crisis Management Plan Manual, Appearance Guidelines Manual, Niles Park District Standards Guide, and DCFS Manual for Mandated Reporters. The Employee Acknowledgement form also acknowledges that the employee is aware of and will comply with all policies, rules and guidelines within these manuals and specifically the: Non-discrimination and Anti-Harassment Policy; Alcohol and Drug Abuse Policy; Criminal Background Check Policy; Driver Abstract Policy and the Technology Use Policy.

Except as provided herein, information contained in personnel files will not be released or disclosed without the employee's written consent, except to persons with a lawful right or need to know, including without limitation, pursuant to an order in a legal action or arbitration, a request by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency, or as otherwise required by law. Any disciplinary report, letters of reprimand or other records of disciplinary action contained in a personnel file which are more than four (4) years old shall not be released or disclosed to a third party unless ordered for a legal proceeding or arbitration or is otherwise required by law to be released or disclosed.

All personnel records for part-time personnel shall be maintained for a five-year period after termination of the employee, and shall be maintained for ten years for full-time employees.