

BOARD MINUTES

August 16, 2021

The regular monthly Board Meeting of the Board of Commissioners was called to order at 7:00pm on August 16, 2021, at the Cynthia Neal Center, 8047 W. 91ST Place, Hickory Hills, Illinois.

The following commissioners were present: Kosnick, Morgan, Peterson, Zalas.

Also present were Jennifer Fullerton, Executive Director, Jim Murphy, Maintenance Manager, Angel Sanchez, Recreation Manager, Tammy Muth, Business Manager and Attorney David Freeman.

APPROVAL OF MINUTES

Commissioner Kosnick moved, seconded by Commissioner Morgan, to approve minutes of July 19, 2021.

Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved.

Commissioner Morgan moved, seconded by Commissioner Zalas, to approve the minutes of Closed Session July 19, 2(C)(3). Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved.

SECRETARY'S REPORT

No public was present either in person, electronically, or by phone.

PUBLIC COMMENT

Commissioners received a copy of text messages between an employee's parent and Director Fullerton and between the employee and Director Fullerton. Also, they received some information from PDRMA's attorney on the same issue and the public comment policy.

MAINTENANCE REPORT

Mr. Murphy presented the maintenance report, and it was placed on file. There were a few issues with the splash pad. The sensor for the chlorine had to be replaced. The new spinner, that we recently replaced failed so another will be sent out. There was a crack in the upright at the KP basketball court and the upright is 30 years old. We cut it down to the ground and we are getting prices on replacing both of them. Commissioner Peterson asked if they are both the same age and when you cut it down was there internal corrosion. Mr. Murphy said yes it was both. You could see where it was cracked and was stressed. Commissioner Zalas asked if we could accept this report as read. Director Fullerton said in the minutes, each report says, "presented the maintenance report and it is placed on file." Commissioner Peterson asked if he was good with that. Commissioner Zalas said yes.

RECREATION REPORT

Mr. Sanchez presented the recreation report, and it was placed on file. Sertoma sponsored the Hills Chamber National Night Out in Palos Hills but didn't sponsor our Fishing Derby which was during the same week. They have sponsored our event for years and told us earlier in the year that they couldn't because of financial limitations due to COVID. Moving forward, they will look at sponsoring the 2022 Fishing Derby. We charged a fee this year so if we get a sponsor in 2022, the event will be free. National Night Out had over 500 people attend the event. The sponsors were City of Hickory Hills, Green Hills Library, First Midwest Bank and Roberts Park Fire District. Commissioners inquired about the Hickory Hills Police who did not sponsor the event but asked if they could be at the event. The week before the event Director Fullerton was asked if an officer could man the table and she said yes. The day of the event the police asked if they could put a police vehicle on the

grass and we said yes. Commissioner Peterson said she did call me to ask me about it. National Night Out is actually for the police. We didn't want to exclude the police. Director Fullerton said it is a safety night. We received two compliments on the event and read the two emails.

Mr. Sanchez said due to COVID, the Children's Christmas Party will be different. We will have the event but have pre-registration with time slots to register for and it will have a fee. He called Debbie Ferrero and she is in favor of having an event even if it is different.

Commissioner Kosnick asked how the police assisted with the Bike Rodeo and contacting Wal-Mart. Mr. Sanchez said they call Wal-Mart to get the bikes donated for the Bike Rodeo. They used to donate bike equipment, for example helmets, horns, etc., but Wal-Mart cut back the past few years and only donated the bikes.

ADMINISTRATIVE REPORT

Ms. Muth presented the administrative report, and it was placed on file. Since the written report, the preschool numbers have gone up so we are looking for a second preschool teacher for 3 day mornings. We have a few students for Kindergarten Kid's place and have gotten more calls than in years past. The maximum for each class is 20 children for a 1 to 10 ratio. There is no virtual dance offered unless we close due to COVID. Some of the dancers that took the class virtually didn't turn their cameras on or had to take breaks and turned the cameras off. It is not beneficial for them. Performance tryouts are on August 23. For the audit, the operating statements for April to July should be in the September board packet. We hired the CN Secretary, and she starts August 23.

TREASURER'S REPORT

Commissioner Peterson moved, seconded by Commissioner Morgan, to approve Claim Ordinance 793. Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved. The Invoice/Memo report was included in the board packet for a further explanation of the check register. Commissioner Peterson made note of the Investment Report of July 31, 2021, which includes the US Treasury statement. Director Fullerton said there was no transfer of funds and presented the June US Treasury statement.

DIRECTOR'S REPORT

Commissioner Vacancy:

Commissioners had questions that Attorney Freeman answered and they are as follows.

- If the person was appointed, would they run for the 2-year spot or 4-year spot? Answer: If you appoint someone now, they serve to the next election. Is it still a 2-year term? Answer: Whether they run for a 4-year term is up to them. They would have to run and don't automatically get a 4 year term and they don't automatically fill someone's spot.
- Could they take someone's spot if they won a 4-year term? Answer: yes.
- How many spots are on the ballot? There will be three. Answer: Two for 4-year terms and one for a 2-year term. If you don't appoint anyone, that person can still run for a 4-year term.
- On the ballot will be two 4-year terms and one 2-year term. They have to indicate on the petition form which term they are running for, two or four years. If they don't put anything on the form, they can be kicked off the ballot, if there is a challenge. If no one is appointed for the 2-year term, it will say no candidate. Anyone can run for the 2-year or 4-year spot.

- If five people run, the 1st person gets the highest votes and has indicated the 4-year term, 2nd person loses but ran for the 4-year term, do they automatically get the third spot that is the 2-year term?
Answer: No. They get no term, but you can appoint them.
- Can everyone run for the 4-year spot, no one runs for 2-year spot and then the 2-year spot is open?
Answer: Yes.
- The board seats are staggered, can we change the 2-year seat for 2023 to 4-year seat for 2025 and it will still be staggered but the other way? Answer: You could, but it will be a change with the district and with the election commission.
- Why not just leave it an empty seat? Answer: The reason you appoint is because it is a five-member board and what do you do when it is a 2 to 2 vote. You want an odd number so you have a quorum and can have a board meeting. There is no law that requires you to appoint a fifth member.

Fitness Center Membership:

Is it possible to award a fitness center membership to a retired commissioner with a certain amount of years of service? Attorney Freeman said you can do it, but it is not a good idea. There are three reasons why it is not a good idea. One, the free use of a fitness center could be considered compensation to a commissioner and this is prohibited under park district code. Two, it could be considered income to a commissioner which would be taxable by the IRS. Three, the lifetime membership to a commissioner could be considered preferential for a commissioner that the average resident of the district doesn't get. This could be considered special treatment. There was one trial court decision at Waukegan Park District, but it doesn't affect you because it is in Lake County and not Cook County and is 40-50 years old (in 1975). It said commissioners should not get the free use of the facility. It was an impermissible preferential use to a group of persons while other citizens and taxpayers must pay a fee. Commissioner Zalas asked if they specifically said retired. Attorney Freeman said yes. By a sitting commissioner using the facility, it shows the other residents that they use it and it is good and they should also use it. It is like advertising. It is not ok to give it to a spouse but ok for sitting commissioners. It is not ok to give it to a commissioner after they retire. Commissioner Kosnick said in our community they would say I pay taxes and you are getting it and I can't. Although, you are paying taxes also, the commissioner is paying taxes, but the commissioner is volunteering valuable time for over 30 years. I don't think anyone would complain about that. Attorney Freeman said you know the residents better than I. From a legal standpoint, I don't recommend it, but it is your call. Commissioner Kosnick said I don't see any problem at all and think the trick is to set the bar higher, not 5, 10, 15 years but maybe 25 or 30 year and it would be rare that it would be accomplished. The center will be open and there are not people standing in line to get numbers to go in. There is no additional cost involved. Commissioner Zalas said but it is a paying spot. Even though you are not paying, someone is paying so there is a monetary thing. Commissioner Kosnick said the monetary thing is 30 years. I mentioned it after the meeting so I don't think we should be discussing it now. Director Fullerton said you mentioned it to me, and it is not my decision. Commissioner Morgan said you mentioned previously and it could be bad for the individual commissioners. Could there be any problems for the district? Attorney Freeman said yes if a court declares it illegal than it is bad PR. I don't know if the courts will say it is some kind of monetary sanction for violating the park district code. If anyone brought a lawsuit against the district, they would ask the district to rescind the policy. I don't think it would be a fine or could be talk about the tax-exempt status. I don't see a real negative to the district as a whole but is more of a negative to each individual commissioner. Commissioner Kosnick said they would have to file with the courts and would have monetary costs. Attorney Freeman said they would have to be a resident or taxpayer of the park district so someone that could be hurt by this. There would be some filing fees of several hundred dollars, but it could be someone who

is interested enough. Director Fullerton asked if someone who was on the board 10 years could be upset about it. Attorney Freeman said if you are going to do this, it is because the board as a whole votes on a policy to approve it. This can come to a 3 to 2 vote and would have to go on the agenda as an action item to vote on this policy. Then they would authorize Director Fullerton to implement the policy that a board member for ___ years shall receive a free pass and that is what they would direct you to do and hopefully no one sues you or questions you. If anyone wants a free pass, then they have to serve on the board for 30 years. This is a legal opinion so now it is up to you what you want to do. It is not on the agenda for vote so it would have to be clear on the agenda. It would have to be a specific motion so everyone knows what it is, and the director would draft the policy ahead of time. Director Fullerton asked if the commissioners want it on the agenda. Commissioners said no.

Marty Ptacek Park:

Jeannie Stachowiak, Superintendent of School District 117 and Director Fullerton had some email conversations about the park. The last email that was sent was “The park district will not be able to invest into replacing the current playground without a long term lease. We require 18 years on a leased property. The next step is to remove the current playground. We replaced several playground pieces in the past few years so I believe the current playground will last until next summer but not much longer than that. Then in the next few years, if the school has approval from the City and the residents, we can look at building on the newly acquired land. How does that sound?” She replied that she would talk to her team. Without any lease, the park district could spend \$144,000 and next year the school could say remove it because they need that land. Commissioner Peterson asked if we have money budgeted for that park. Director Fullerton said we have \$74,000 in the master plan; however, we would take the rest out of the special rec fund. Commissioner Peterson said the other piece of land is bigger, correct? Director Fullerton said it is very large and would be another lease. It is a good start for that land which will include seating, swings, and the playground. Commissioner Peterson asked if it could be an OSLAD grant. Director Fullerton said yes it could be for the new school land but part of applying for OSLAD is they require community input and make sure the community is on board with this new park. In order to build on the new park, the school district has to get permission from the City because the land was originally purchased for detention so now they are going to build something on it and need to make sure that is ok. The second part is they should have public hearings with the neighborhood and especially the two neighbors that live next to the park and neighbors across the street, to make sure the community is on board. We don’t want to invest in a playground, put it on the new land, and the neighbors are mad at the park district because you just put in a playground without them knowing about it. This is the proper way to do it to make sure the school district has the City approval and these community talks since they own the land. Once they do that, yes, the park district can build on it. The street is very narrow, and the school district does not want a parking lot on that newly acquired school land. It may be because it was for detention. The school superintendent brought up putting in a sidewalk, so Director Fullerton said that has to be approved by the City. We need proof of these hearings, focus groups and community meetings for the OSLAD grant if we apply for the grant.

FEMA Public Assistant Grant:

IEMA (Illinois Emergency Management Agency) gave us \$5,491 and then they requested that we return \$3,137.41 because they said, in their opinion, it was a duplication of funds from what we received from the Cook County COVID grant. The check was mailed to IEMA and they will pay FEMA this amount on our behalf.

Coronavirus and Unemployment:

An email was sent from IEMA regarding the park district holding a COVID vaccination drive. Director Fullerton told them no because we have 150 camp children inside and outside of our facilities and crossing through the parking lot and that is where they wanted to have it. Director Fullerton asked why they didn't call the City. He said the Governor asked him to call the park district because the vaccination rate is very low in Hickory Hills. The City is having the vaccination drive on August 20 which was in the City/Mayor's newsletter and is by appointment only.

Two current employees received unemployment checks/notices recently and neither of them claimed unemployment since they both have full-time jobs. This was reported to Unemployment Consultants through PDRMA. We pay PDRMA a fee for our liability and this is part of the service PDRMA provides. There are several steps they have to take to report the fraud based on recommendations from PDRMA and Unemployment Consultants. PDRMA provides a check list of who they have to report this fraud to.

Winter 2021 Bottom Line Report:

There was a 67% decrease in the bottom-line net revenue for Winter 2021. The net revenue for 2020 was \$10,833 and \$3,581 in 2021. The number of winter classes decreased from 84 in 2020 to 40 in 2021. The number of participants decreased from 1,397 in 2020 to 301 in 2021. All programs decreased, except special events, due to COVID and the limited number we could have in attendance. Special events increased from -\$2,271 in 2020 to \$635 in 2021. There was no Children's Christmas Party which typically has a loss of \$650 and No VIP which typically has a loss of \$2,200. Also, the popcorn fundraiser for the district was \$592.

Holiday Review:

June 19th is an approved new holiday from the State and Federal government. No vacation day will be given for June 19th at this time.

Facility Manager Title Change:

Commissioner Peterson moved, seconded by Commissioner Zalas, to approve a title change from Facility Manager to Facility Supervisor. Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved. No change to the job description.

Vandalism/Incidents:

The police liaison sent a report for incidents at the parks. Director Fullerton said today at 4:30pm, someone banged on the window to her office, so she opened up the blinds and one of males pulled his pants down and then mooned her. There were three boys. A different boy leaned up against her car but there was no damage to her car. The officer asked if it is a warning and she said no it should be a ticket since it is indecent exposure. The officer asked for her driver's license and she doesn't give that to them because in the past they put her home address on the police report, and she has had trouble with offenders going to her home. So, they put the park's address on the police report. Director Fullerton asked Attorney Freeman, before the meeting, if she has to give up her ID and home address and he said no. Also, we have had a lot of trouble with large groups and two incidents of these groups not allowing parents and children to go on the 2-5-year-old playground and large groups in the skate park.

Financial Audit:

The draft of the audit was received on July 26. We are in the process of balancing and closing the fiscal year. The auditor will be at the Board meeting on September 20th and will present the audit when the meeting begins at 7pm. We will meet at 5:45pm to go over the budget summary and audit on September 20th.

Miscellaneous:

The July fitness center and walking track report was included in the board packet.

Commissioner Peterson moved, seconded by Commissioner Zalas, to convene to closed session at 8:34p.m. to discuss agenda item listed as: 2(C)(3) DISCUSSION OF THE SELECTION OF A PERSON TO FILL A PUBLIC OFFICE AS DEFINED IN THE OPEN MEETINGS ACT, INCLUDING A VACANCY IN A PUBLIC OFFICE, OR THE DISCIPLINE, PERFORMANCE OR REMOVAL OF THE OCCUPANT OF A PUBLIC OFFICE. Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved. The commissioners came out of closed session at 8:42pm. There will be no commissioner appointment at this time. Commissioners encourage candidates to run in the 2023 election.

Commissioner Peterson moved, seconded by Commissioner Morgan to adjourn to the next regular board meeting. Ayes: Kosnick, Morgan, Peterson, Zalas. Motion approved.

The meeting was adjourned at 8:43p.m.

Secretary

ATTEST:

President