

**AN ORDINANCE
REGULATING THE ADMINISTRATION
AND OPERATIONS OF THE
STERLING PARK DISTRICT**

ORDINANCE 93-3

ADOPTED MARCH 15, 1993

**AMENDED DECEMBER 18, 1995
AMENDED MAY 19, 1997
AMENDED JUNE 16, 1997
AMENDED DECEMBER 15, 1997
AMENDED FEBRUARY 16, 1998
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AMENDED JULY 18, 2012
AMENDED SEPTEMBER 19, 2016
AMENDED MARCH 20, 2017
AMENDED SEPTEMBER 19, 2022**

SECTION 1.0

SHORT TITLE

This ordinance regulating the administrative affairs of the Sterling Park District, Sterling, Illinois, shall be known and may be cited as the “Administrative Code of the Sterling Park District”.

SECTION 2.0

DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Then not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and, words in the singular number include the plural number. The word “shall” is always mandatory.

1. “District” is the Sterling Park District of Sterling, Illinois.
2. “Board” is the Board of Commissioners of the Sterling Park District by whom all policy matters are established pertaining to the Park District.
3. “Executive Director” is the person designed by the Board to administer the policies established by the Board.

SECTION 3.0

BOARD OF COMMISSIONERS AND OFFICERS

1. ROLE OF PARK COMMISSIONER. The role of the Board is that of setting policy; adopting plans; determining courses of action; making decisions on, or negotiating, major issues; and, reviewing performances and the execution of the program.
2. OFFICERS OF THE BOARD
 - a. PRESIDENT. The President shall be the executive officer of the Board. It shall be his/her 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; to execute general supervision of all elected and appointed officers, employees and over the business and property of the District; all subject, however, to the direction, ratification and approval of the Board.

- b. VICE PRESIDENT. The Vice President, in the absence of the President, or in the event of his/her refusal or inability to act, shall be vested with the powers and perform the duties of the President.
 - c. SECRETARY. The Secretary shall keep the corporate seal and all books and records pertaining to the office; shall attest and affix the corporate seal to all instruments requiring such action when authorized by ordinances, resolutions and other actions of the Board requiring publications to be duly published. The Secretary shall give notice and attend all meetings of the Board and keep true record of its proceedings, including all ordinances passed.
 - d. TREASURER. The Treasurer shall receive and safely keep all monies belonging to the District; depositing, in the name of the District, all monies belonging to the District and received by him/her, in the bank or banks approved and designated by the Board. The Treasurer shall disperse the same only upon the authority of the Board, together with properly executed warrants. The Treasurer shall take monthly reports to the Board of all receipts and disbursements, submitting at the conclusion of the fiscal year, a detailed statement showing all receipts and disbursements for that year. Acting under the supervision of the Board, the treasurer shall have charge of the District's bookkeeping and system of accounts. The Treasurer shall furnish any commissioner or officer information as to any matter relating to this office, requested by the same, including copies of records of receipts and disbursements, statements of accounts, audits and other records of the District under his/her control or supervision.
 - e. ATTORNEY. The Attorney shall have charge of all legal matters and the prosecution and defense of all litigation which involves the District as assigned by the Board and/or the Park District Risk Management Agency (PDRMA).
 - f. EXECUTIVE DIRECTOR. The execution of the program and attainment of goals and objectives of the District, as defined by the Board, is the responsibility of the Executive Director who is employed to manage, administer and run the affairs of the District.
3. ELECTION RULES. The Board is to consist of five (5) commissioners serving four (4) year terms.

The term for newly elected commissioners will begin on the first meeting following the canvas of the election results. All officers shall be elected by the Board at the annual meeting, hereinafter provided for, and at such other times as a vacancy occurs and each of said officers shall hold office until the next annual meeting and until his/her successor is chosen and has qualified. Vacancies may be filled at any regular or special meeting of the Board and in the case of a temporary absence or inability of any officer to act as such, the Board may fill his/her office pro tempore.

In addition to the duties hereinbefore specified, each officer shall perform such other duties as may be required by law or by the ordinances or resolutions of the Board.

4. COMPENSATION. Officers, who are not members of the Board, may receive compensation for their services as the Board shall determine pursuant to law.
5. BONDS. Before entering upon their respective duties, officers (and employees) may be required to post a bond in such penal sum and with such conditions and security as may be determined by the Board.
6. OATH OF OFFICE. Board members, officers (and employees) may be required to take an oath of office as prescribed by law.
7. REMOVAL OF OFFICERS. Any appointed officer may be removed by the Board whenever, in its judgment, the best interest of the District would be served thereby.
8. REMOVAL OF A PARK COMMISSIONER. The Board shall declare vacant a position of the Park Commissioners when a Board member dies, resigns, or is unable or neglects to perform the duties of his/her office; ceases to be a legal voter in Sterling Township; refuses or neglects to take the oath of office; has three unexcused absences at regular meetings in a given fiscal year, or for any other reason specified by law.
9. VACANCIES. Vacancies may be filled by appointment, by a majority of the remaining members of the Board. If the vacancy occurs with less than 28 months remaining in the term, the person appointed to fill the vacancy shall hold his or her office until the expiration of the term for which he or she has been appointed and no election to fill the vacancy shall be held. If the vacancy occurs with more than 28 months left in the term, but less than 88 days before the next regularly scheduled election for this office, the person appointed to fill the vacancy shall hold his or her office until the second regularly scheduled election for the office following the appointment, at which a member shall be elected to fill the vacancy for the unexpired term.
10. LONGEVITY AWARD. Board members leaving the Board in good standing after 8 or more years of service will receive an individual life-time staff pass, subject to any rules and regulations regulating its use. Board members leaving the Board in good standing after 12 or more years of service will receive a family life-time pass, also subject to any rules and regulations regulating its use.

SECTION 4.0

MEETINGS OF THE BOARD

1. **ANNUAL BOARD MEETING.** The annual meeting of the Board of Park Commissioners shall be held on the third Monday in April each year at 7:00 p.m., unless there are newly elected commissioners, in which case the annual meeting of the Board of Park Commissioners shall be held at the first monthly meeting following the canvas of the election results.
2. **REGULAR MEETING.** Regular meetings of the Board shall be held on the third Monday each month at such times and location as set forth by the Board. Regular meeting dates, times and locations will be made available annually by the Executive Director to anyone requesting the same.
3. **SPECIAL MEETING.** Special meetings of the Board may be called by the President whenever he/she shall deem it necessary or shall be called by the Secretary at the request of any two (2) commissioners. Notice shall be given each commissioner and the media of the time and place of such special meeting at least forty-eight (48) hours prior to said meeting.
4. **ILLINOIS OPEN MEETING ACT.** All board meetings will be conducted in accordance with the Illinois Open Act.
5. **QUORUM.** A majority of the duly elected and qualified commissioners shall constitute a quorum for the transaction of business, provided, however, that if no quorum is present, the commissioners attending may adjourn the meeting until a quorum is obtained.
6. **CONDUCT OF MEETINGS.** A commissioner may attend a meeting without being physically present if several conditions are met. (See Appendix C).
7. **ORDER OF BUSINESS.** The order of business of all regular board meetings shall be as follows:
 - Call to Order
 - Roll Call
 - Scheduled Visitors
 - Approval of Minutes
 - Treasurer's Report
 - Communication to Board
 - Old Business
 - Commissioner's Report
 - Executive Director's Report
 - Department Heads' Reports
 - New Business
 - Communication From Visitors
 - Executive Session
 - Adjournment

8. ORDINANCES. All ordinances, resolutions, orders, reports and proceedings shall be in writing and kept in a regular book of records, open to public inspection as prescribed by District ordinance and by law.
9. MANNER OF VOTING. The yea's and nay's shall be taken upon the passage of all ordinances and upon all propositions to create any liability or for the expenditure or appropriation of money and, in all cases, at the request of any commissioner and shall be entered upon the journal of proceedings.
10. RULES OF ORDER. The most current version of Robert's Rules of Order shall govern all questions of procedure not herein provided.
11. SCHEDULED VISITORS. Individuals/Groups desiring an audience with the Board under the "Scheduled Visitors" section of the agenda must contact the Executive Director a minimum of ten (10) days prior to the meeting date.
12. COMMITTEES. The President may, at any time, appoint those committees as are deemed necessary.

SECTION 5.0

FINANCIAL LIABILITY

1. BOARD APPROVAL. Unless hereinafter provided for, no commissioner, committee, officer, or employee shall be authorized to create any financial liability on behalf of the Board, unless it shall first be approved in the nature and amount by the Board.
2. AUTHORIZATION OF EXECUTIVE DIRECTOR. The authority for any non-budgeted purchases of materials or services or the purchase of any capital item in excess of \$7,500.00 shall be by Board action.
3. AUTHORIZATION OF FULL-TIME EMPLOYEES. All budgeted expenditures in excess of \$500.00 must be approved by a Department Head or the Executive Director. Any budget expenditure in excess of \$1,000.00 must be approved by the Executive Director. All non-budgeted expenditures must be approved by the Executive Director.

SECTION 6.0

CONTRACTS

1. BID NOTICES. All contracts for supplies, material or work involving an expenditure in excess of \$30,000.00 shall be awarded to the lowest responsible bidder, after due advertisement. In selecting the lowest responsible bidder, the District shall consider conformity with specifications, terms of delivery and serviceability. The Code's bidding provision, however, does not apply to 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; the printing of finance committee reports and department reports; the printing or engraving of bonds, tax warrants and other evidences of indebtedness; utility services such as water, light, heat, telephone or telegraph; the purchase of magazines, books, periodicals, pamphlets and reports; emergency acquisition of services or personal property provided such expenditures are approved by three-fourths of the members of the Board; the use, purchase, delivery, movement or installation of data processing equipment, software or services; the use, purchase, delivery, movement or installation of duplicating machines and supplies; the procurement of goods or services from another governmental agency; and the procurement of equipment previously owned by some entity other than the District itself.

“Due Advertisement” is defined to include, but not limited to, at least one public notice at least ten days before the bid date in a newspaper published in the township.

Competitive bids for contracts involving expenditures in excess of \$30,000.00 must be sealed by the bidder and must be opened by a member or employee of the Board at a public bid opening at which the contents of the bids must be announced. Each bidder must also receive at least three days notice of the time and the place of the bid opening.

Any and all bids or portions thereof may be rejected by the Board if acceptance is contrary to the best interest of the District. The District shall consider conformity with specifications, terms of delivery and serviceability as part of the criteria upon which to determine the lowest responsible bidder.

Contracts will be awarded in accordance with the Illinois Fraudulent and Corrupt Practices Act and the Illinois Public Contracts Act.

2. AUTHORIZATION. All such contracts shall be in the name of the District and shall be signed on behalf of the District by the President or Vice President, attest to by the Secretary and the corporate seal shall be affixed thereto.
3. FILING. All bid proposals must be kept on record as stated in the official minutes and be available for public inspection as prescribed by the Freedom of Information Act and District Ordinance 89-1.

SECTION 7.0

BUDGET AND APPROPRIATIONS

1. FISCAL YEAR. The fiscal year of the District shall begin on the first day of May and shall end on the 30th day of April in the succeeding year.

2. PREPARATION. The Budget and Appropriations Ordinance shall be the responsibility of the Executive Director and the Board.
3. ADOPTION. The Budget and Appropriation Ordinance shall be approved by a majority of the Board within the first quarter of each fiscal year.

Prior to the adoption of the Budget Ordinance, the budget shall be available for public inspection for at least thirty (30) days. The Board will hold at least one (1) public hearing prior to the adoption of the Budget Ordinance.

SECTION 8.0

TAX LEVY ORDINANCE

1. PREPARATION. The Tax Levy Ordinance shall be prepared by the Executive Director.
2. TRUTH IN TAXATION. The Board shall determine if the proposed aggregate levy is greater than 105% of the prior year's extended levy. In such case, the Executive Director will have published, in accordance with the Truth in Taxation Act, a notification of a public hearing on the proposed levy.
3. ADOPTION. The Tax Levy Ordinance shall be approved by a majority vote at an official meeting of the Board held prior to the filing of the said levy.
4. FILING. The Tax Levy Ordinance will be filed by the Executive Director in the County Clerk's office not later than the last Tuesday of December of each year.

SECTION 9.0

TRANSFER OF FUNDS

1. AUTHORITY. At any time the Board may, by a majority vote, make non-budgeted transfers between various items in any fund in such budget and appropriation ordinance, not exceeding in the aggregate 10% of the total amount appropriated in such fund by such ordinance.

After the first six (6) months of the fiscal year, the Board may, by a two-thirds vote, transfer from any appropriation item its anticipated unexpected funds to any other item of appropriation therefore made, and the item to which said transfer is made may be increased to the extent of the amount so transferred.

2. METHOD OF TRANSFER. All non-budget transfers will be approved by Ordinance.

SECTION 10.0

AUTHORIZATION TO INVEST FUNDS

1. AUTHORITY. It is the responsibility of the Treasurer of the Sterling Park District to deposit or withdraw invested funds.

The Board will receive a Treasurer's report at each monthly meeting.

2. INVESTMENT PROCEDURES. Investments are to be made as authorized and approved by the Board in accordance with the District's Investment Policy (Appendix A).
3. INTEREST ACCRUED. Interest received from the invested funds shall be redeposited as directed by the Board and by law.

SECTION 11.0

TAX WARRANTS

1. AUTHORIZATION. Tax warrants will be authorized based on the estimated inability to meet financial obligations of the District and issued in anticipation of future tax monies to be received.
2. ADOPTION. Tax warrants will be issued by Ordinance, carrying a two-thirds vote of the Board.

SECTION 12.0

AUDITING

1. AUTHORIZATION. The services of a Certified Public Accountant will be engaged, each fiscal year and will be responsible for the audit of the Sterling Park District.
2. ACCEPTANCE. After completing the audit, the Certified Public Accountant will provide the Board with a summary letter and audit statement in accordance with the Illinois Audit of Accounts Act.
3. FILING. The Treasurer of the Sterling Park District shall provide the Auditor of Public Accounts of the State of Illinois with a copy of the District's audit.

SECTION 13.0

DISPOSAL OF RECORDS AND EQUIPMENT

1. RECORDS. All ordinances and other legal documents will be on file in the Administrative Office located at 1913 Third Avenue, Sterling, Illinois.

All financial and voting records and other pertinent documents, with the exception of ordinances and other legal documents, will be kept on file for the minimum legally allowable time period in accordance with the Illinois Local Records Act.

2. MACHINERY AND EQUIPMENT. The District may sell personal property by a 3/5 vote of the members of the Board who make a determination that such property is no longer useful for, or in the best interest of the District to keep. The District may convey or sell personal property in any manner that is designated with or without advertising the sale. Such sale can only take place upon a 3/5 vote of the Board at any regular or special meeting called for such purpose.

SECTION 14.0

MISCELLANEOUS FISCAL ADMINISTRATION

1. ACCOUNT CHECKS. Access to District account checks will be allowed only to those employees so designated by the Executive Director.
2. BANK ACCOUNT RECONCILIATION. All District bank reconciliations are to be performed on a monthly basis by the District's auditor.
3. INVENTORIES. All equipment and supply inventories are to be completed on a monthly basis by an employee(s) assigned by the Department Head. On a monthly and random basis all equipment and supply inventory will be checked by an employee who does not control said inventory as assigned by the Executive Director.
4. CASH DRAWER CHECKS. On a monthly and random basis a cash drawer check will be performed by an employee who does not control said cash drawer as assigned by the Executive Director.
5. CORPORATE SEAL. The corporate seal of the District shall be circular in form with the words "Sterling Park District" around the outer margin and the word "Seal" within the inner circle.

SECTION 15.0

RELEASE OF PUBLIC RECORDS

1. FREEDOM OF INFORMATION ACT. The inspection of public records of the District shall be subject to the requirements, rules and regulations as stated in Illinois Freedom of Information Act (5ILCS140) and attached Appendix B
2. BOARD RELEASE OF INFORMATION. Prior to an individual board member releasing District information to the media, the Board Secretary shall be furnished that information. It shall be the responsibility of the Secretary to distribute that information to the remaining board members.

SECTION 16.0

PREVAILING WAGE ACT

Annually the Board will adopt and place on file the prevailing wage rates of Whiteside County as determined by the Department of Labor of the State of Illinois in accordance with the Illinois Prevailing Wage Act.

SECTION 17.0

ETHICS ORDINANCE

See Appendix D.

SECTION 18.0

RED FLAG (IDENTITY THEFT) POLICY

See Appendix E.

SECTION 19.0

IDENTITY-PROTECTION POLICY

See Appendix F.

SECTION 20.0

EXCEPTIONS

The restrictions outlined in this ordinance may be waived by the Board and a statement to this effect shall be issued in writing on such occasions detailing the extent of the waiver and the period of time of the exceptions.

SECTION 21.0

REPEAL OF PRIOR ORDINANCE – EFFECTIVE DATE OF ORDINANCE

All ordinances in conflict or inconsistent with any provisions of this ordinance is hereby repealed and this ordinance shall be in force from and after its passage and approval.

SECTION 22.0

TRAVEL AND REIMBURSEMENT POLICY

See Appendix G.