



**AGENDA
SPECIAL BOARD MEETING
REMOTE MEETING HELD VIA TELECONFERENCE**

The President of the Board of Commissioners has determined that an in-person meeting or a meeting conducted pursuant to the Open Meetings Act is not practical or prudent because of the COVID-19 disaster.
(As permitted by Public Act 101-0640)

Citizens may participate in the zoom meeting by going to the following web address:
<https://us02web.zoom.us/j/85889942842?pwd=TWdrNXUxS3NpbURPdmgrd2xpMHBVUT09>

For online video access, please use the following Meeting ID and Password when prompted:
Meeting ID: 858 8994 2842
Passcode: 955382

Alternatively, the meeting may be accessed by telephone at:
1-312-626-6799, If prompted for the following items, please enter:
Meeting ID: 858 8994 2842, followed by the # symbol
Password: 955382, followed by the # symbol

Citizens will be offered an opportunity to speak to the Board during the public comment portion. To facilitate this and not have individuals speaking over one another, the Park District kindly requests that individuals wishing to address the Board via the conference line during public comment notify the Park District via email, as noted below, of their intent to address the Board. Alternatively, citizens may submit public comments by email prior to the Board meeting, to be announced by the Park Board President during the public comment portion of the meeting. Email submissions (notice of intent to speak or comment via email) should be submitted by Noon on Wednesday, August 24, 2022, and sent to joe.deluce@champaignparks.org.

**Wednesday, August 24, 2022
5:30 P.M.**

A. CALL TO ORDER

B. PRESENTATION

1. Barry Accountius, Woda Cooper Companies, North Champaign Trail Connection

C. COMMENTS FROM THE PUBLIC

D. NEW BUSINESS

1. Approval of a Resolution to Apply for an Open Space Land Acquisition and Development (OSLAD) Grant for the Douglass Park Concessions and Baseball Project
Staff recommends approval to proceed with \$400,000 OSLAD grant as shown in attachment 1, and authorization and signature of *Grant Program Resolution of Authorization* due to IDNR by September 30, 2022. **(Roll Call Vote)**
2. Approval of a Request for Proposal (RFP) to Sell Alcohol Beverages at Virginia Theatre
Staff recommends the Park Board authorize the Executive Director to enter into an agreement with Farren's Pub and Eatery to act as sole merchant partner for public alcohol sales, including wine, beer, and spirits, at the Virginia Theatre for a one-year period beginning September 13, 2022, with the option to extend that agreement by one year, if mutually agreed, from September 13, 2023, to September 12, 2024. **(Roll Call Vote)**

3. Approval of a Bid for Janitorial Services at the Dodds Tennis Center

Staff recommends accepting the Base Bid and Alternate 1 Carpet Cleaning, Alternate 1 Fabric Covered Furniture Cleaning and Alternate 1 West Wall Dusting and authorizing the Executive Director to execute a two-year contract with the option to renew for one additional year with, ESS Clean, Inc., of Urbana, Illinois, in the annual base bid amount \$28,180.00 with Alternate 1 Carpet Cleaning of \$195.00, Alternate 1 Fabric Covered Furniture Cleaning of \$195.00 and Alternate 1 West Wall Dusting. Also accepting and approving Alternate 2 Additional Services Rate of \$22.00/hour on an as needed basis.

(Roll Call Vote)

E. OLD BUSINESS

1. Approval of a Resolution to Amend Champaign Parks Foundation By-Laws

Staff recommend approval of a resolution to amend the Champaign Parks Foundation By-Laws to allow electronic attendance of its meetings and establish procedures for electronic attendance. ***(Roll Call Vote)***

F. DISCUSSION ITEMS

1. Final Discussion – Review and Updates to Ordinance 618: Park Rules and Regulations
2. FY23 Annual Operating Budget – Operations Department

G. COMMENTS FROM COMMISSIONERS

H. EXECUTIVE SESSION

The Board will convene into Executive Session under the Illinois Open Meetings Act, specifically 5 ILCS 120/2(c)(6) The setting of a price for sale or lease of property owned by the public body.

I. EXECUTIVE SESSION ACTION ITEM

1. Approval of Amending Motion and Ratifying Agreement with Don Moyer Boys and Girls Club at the Martens Center. ***(Roll Call Vote)***

J. RETURN TO REGULAR MEETING

K. ADJOURN



REPORT TO PARK BOARD

FROM: Joe DeLuce, Executive Director

DATE: August 24, 2022

SUBJECT: OSLAD Grant Application Discussion

Background

The Illinois Department of Natural Resources (IDNR) is accepting applications for the Open Space Land Acquisition and Development (OSLAD) grant during August and September of 2022. OSLAD funding is limited to outdoor recreation amenities and this year the budget for OSLAD grants is \$56,000,000, about twice the normal funding for the grant. Applications including a diversity of amenities are typically the most competitive, but a wide variety of project types are awarded. The grant is a 50% matching grant with the maximum award/reimbursement of \$600,000. The time frame for completing an OSLAD grant funded project is normally two years from the time of award.

Budget Impact

The Park District is responsible for funding an entire project—typically up to \$1,200,000—and under the OSLAD program would be reimbursed 50% (up to \$600,000) from the program. IAPD has mentioned the possibility of Park Districts submitting more than one grant since the funding is so high this year, but when asked for clarification, IDNR told staff the Park District can only apply for one OSLAD project, but could also apply for a separate grant request to purchase land.

Discussion

The staff recommendation is to apply for a \$400,000 (\$400,000 match) OSLAD Grant for the Douglass Park Baseball improvements. Total project cost for the application would equal \$800,000.

Douglass Park Baseball Improvements include adding a new concession stand with restrooms, small shelter, dugout fencing on the tee ball field and shade coverings for both fields. The total estimated cost for the project from Architectural Expressions is \$ 704,738.61, but with the increase in construction costs it is recommended the Park District apply for \$400,000, of which 50% of the funds (\$400,000) would be provided by the Park District. Please see the attached budget summary and conceptual design for more information.

Recommended Action

Staff is seeking Board approval to pursue the OSLAD grant application for \$800,000 (total) for the Douglass Park Baseball Improvements.

Prepared by:

Andrew Weiss
Director of Planning

Reviewed by:

Joe DeLuce, CPRP
Executive Director

The mission of the Champaign Park District is to enhance the quality of life through positive experiences in parks and recreation in our community.

Form OS/DOC-3 Resolution of Authorization

Instructions

Instructions

1. Enter the name of the local government agency sponsoring the proposed project in each area required.
2. Enter the title of the proposed project.

Form submitted must contain dated signature and title by the local agency's chief elected official and must be attested to.

Form

Applicant (Sponsor) Legal Name Champaign Park District

Project Title Douglass Park Baseball Improvements

Resolution

The abovenamed Sponsor hereby certifies and acknowledges that it has the sufficient funds necessary (includes cash and value of donated land) to complete the pending OSLAD project within the timeframes specified herein for project execution, and that failure to adhere to the specified project timeframe or failure to proceed with the project because of insufficient funds or change in local recreation priorities is sufficient cause for project grant termination which will also result in the ineligibility of the local project sponsor for subsequent Illinois IDNR outdoor recreation grant assistance consideration in the next two (2) consecutive grant cycles following project termination.

Acquisition and Development Projects

It is understood that the project must be completed within the timeframe established. The OSLAD timeframe is two years as is specified in the project agreement. The Billing Certification Statement must be submitted within 45 days of the grant expiration date and the last reimbursement request must be submitted within one year of the grant expiration date. Failure to do so will result in the Project Sponsor forfeiting all project reimbursements and relieves IDNR from further payment obligations on the grant.

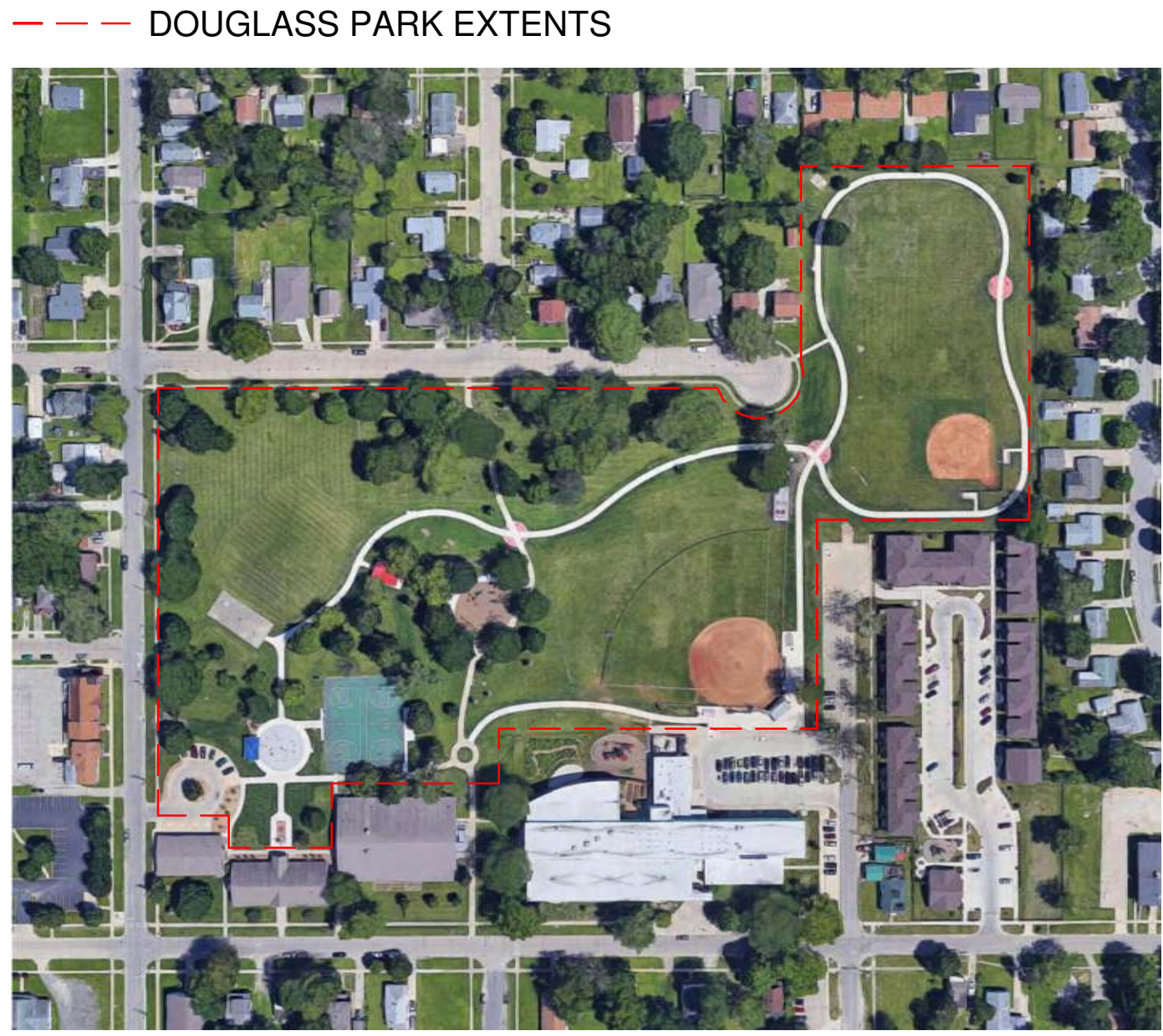
The Sponsor further acknowledges and certifies that it will comply with all terms, conditions and regulations of 1) the Open Space Lands Acquisition and Development (OSLAD) program (17 IL Adm. Code 3025); 2) the Illinois Grant Funds Recovery Act (30 ILCS 705); 3) the federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and/or the Illinois Displaced Persons Relocation Act (310 ILCS 40 et. seq.), as applicable; 4) the Illinois Human Rights Act (775 ILCS 5/1-101 et. seq.); 5) Title VI of the Civil Rights Act of 1964, (P.L. 83-352); 6) the Age Discrimination Act of 1975 (P.L. 94-135); 7) the Civil Rights Restoration Act of 1988, (P.L. 100-259); and 8) the Americans with Disabilities Act of 1990 (PL 101-336); and will maintain the project area in an attractive and safe condition, keep the facilities open to the general public during reasonable hours consistent with the type of facility, cease any farming operations, and obtain from the Illinois DNR written approval for any change or conversion of approved outdoor recreation use of the project site prior to initiating such change or conversion; and for property acquired with OSLAD assistance, agree to place a covenant restriction on the project property deed at the time of recording that stipulates the property must be used, in perpetuity, for public outdoor recreation purposes in accordance with the OSLAD programs and cannot be sold or exchanged, in whole or part, to another party without approval from the Illinois DNR, and that development at the site will commence within 3 years.

BE IT FURTHER PROVIDED that the Sponsor certifies to the best of its knowledge that the information provided within the attached application is true and correct.

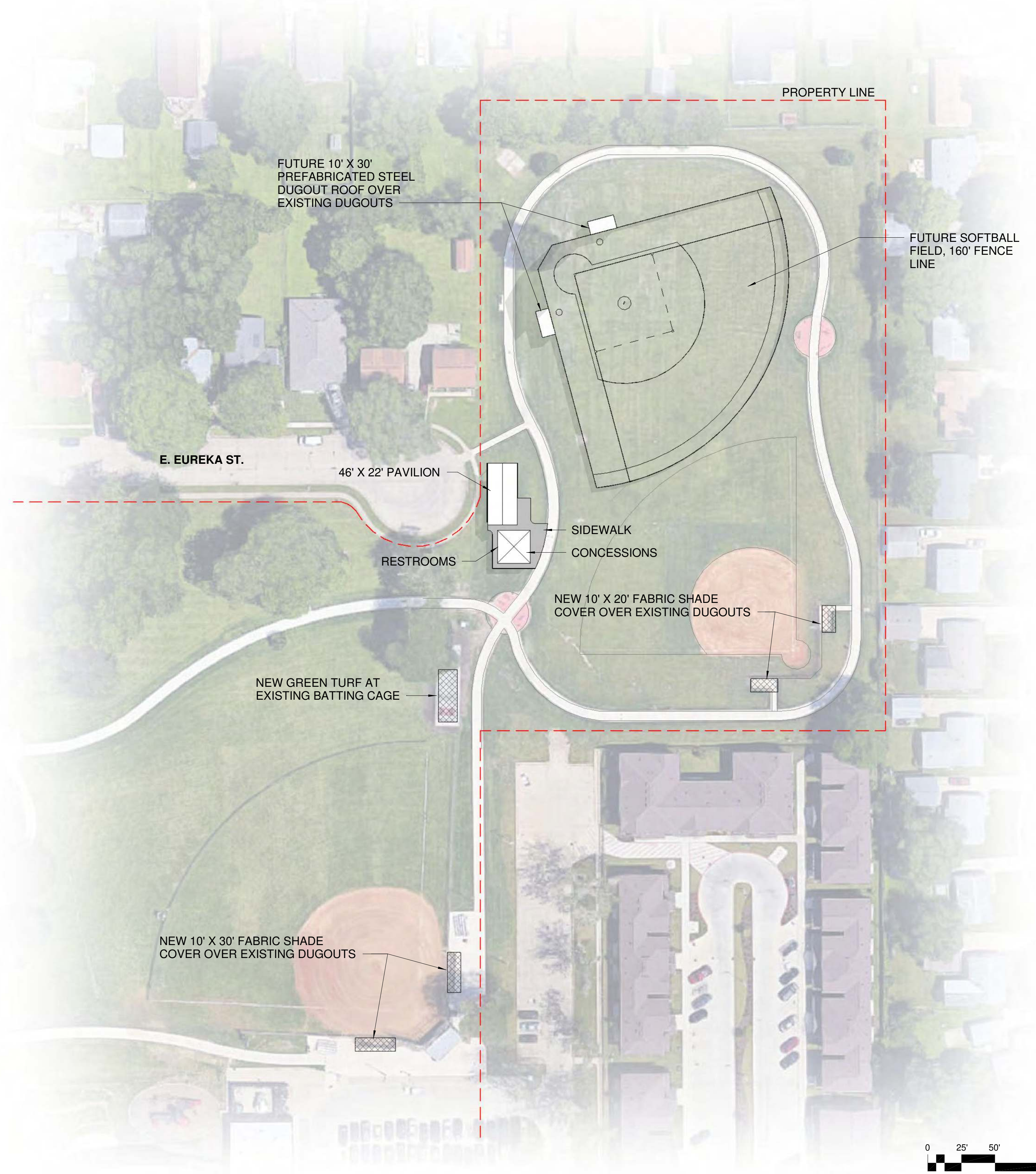
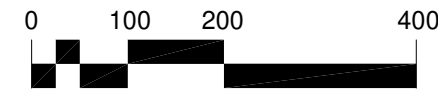
Resolution Adoption Date August 24, 2022

Name Kevin Miller, Board President

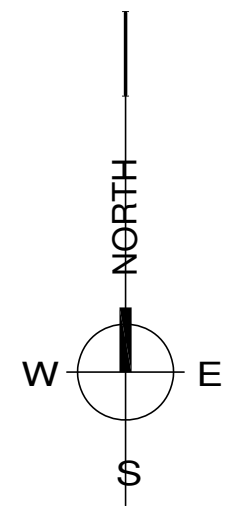
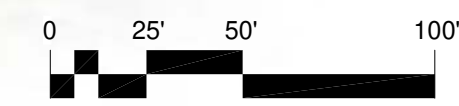
Attested by (Name) - Chief Executive Officer	Joe DeLuce
Attested by (Title) - Chief Executive Officer	Executive Director
Attestation Date	August 24, 2022



2 SITE KEY PLAN
1" = 200'-0"



1 ARCHITECTURAL SITE PLAN
1" = 50'-0"



ARCHITECTURAL EXPRESSIONS, LLP
 100 CHESTNUT, SUITE 300,
 CHAMPAIGN, IL 61820
 PHONE: 217-378-5300 FAX: 217-378-8512
 www.aexllp.com
 IL DESIGN FIRM No. 184-001487

DATE: _____
 LIC. EXP.: _____

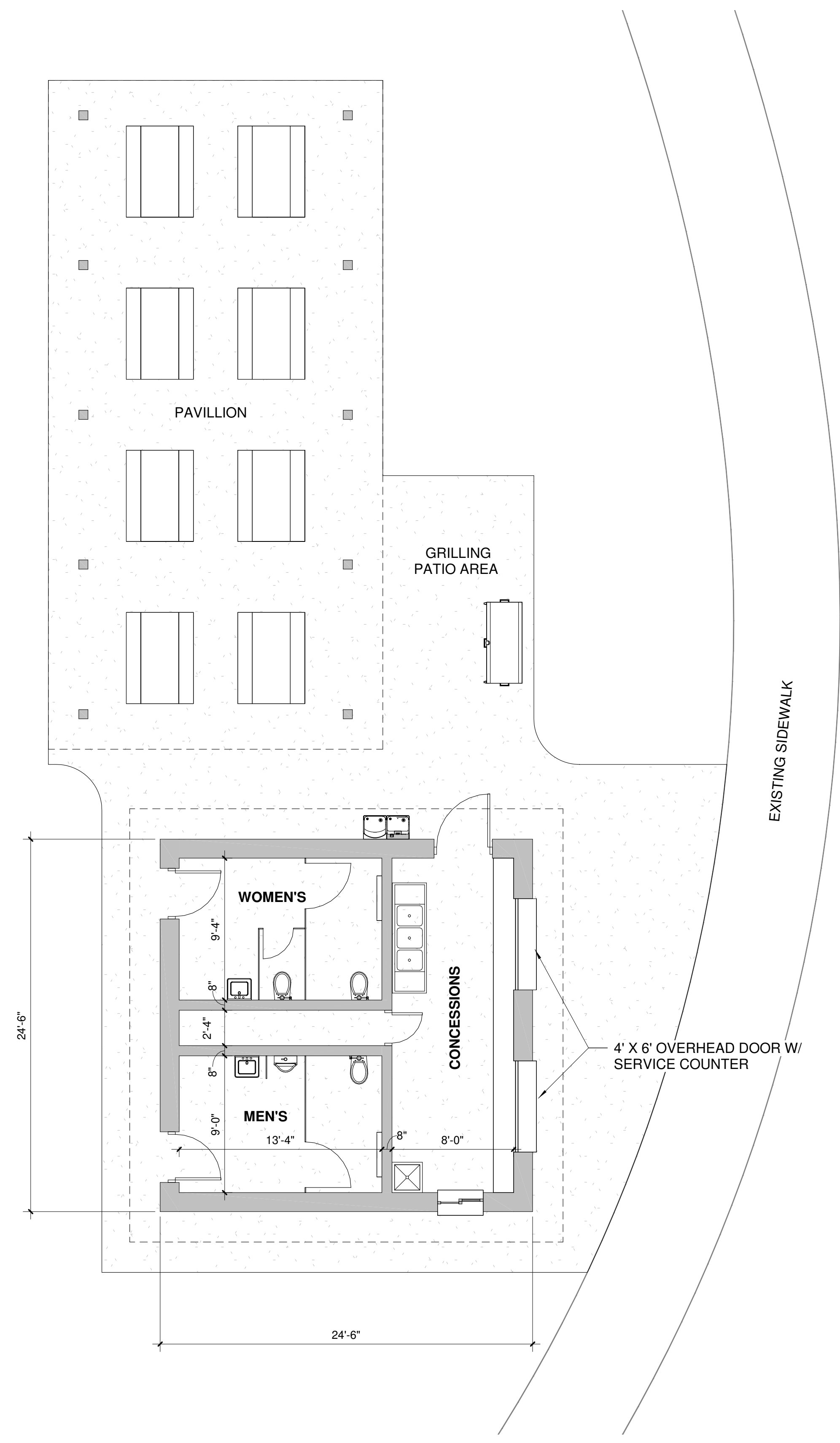
ARCHITECTURAL SITE PLAN
 CHAMPAIGN PARK DISTRICT
 DOUGLASS PARK CONCESSIONS BUILDING AND
 SPORTS FIELD UPDATES
 512 E. GROVE ST CHAMPAIGN, IL

No.	Description	Date

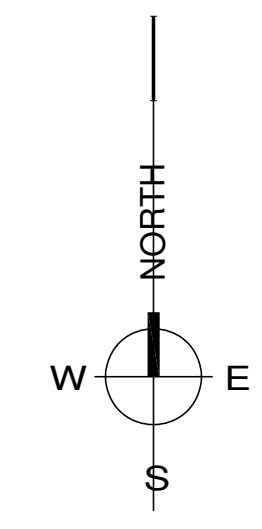
SCHEMATIC DESIGN

Project Number	6340
Date	07/07/22
Drawn By	JLK
Checked By	AEX

A1



1 BUILDING AND PAVILION FLOOR PLAN
 3/16" = 1'-0"



ARCHITECTURAL EXPRESSIONS, LLP
 100 N CHESTNUT ST, STE 300
 CHAMPAIGN, IL 61820
 PHONE: 217-378-5300 FAX: 217-378-8512
 www.aexllp.com
 IL DESIGN FIRM No. 184-001487

DATE: _____
 LIC. EXP.: _____

FLOOR PLAN
 CHAMPAIGN PARK DISTRICT
 DOUGLASS PARK CONCESSIONS BUILDING AND
 SPORTS FIELD UPDATES
 512 E. GROVE ST CHAMPAIGN, IL

No.	Description	Date

SCHEMATIC DESIGN

Project Number	6340
Date	07/07/22
Drawn By	JLK
Checked By	BAK

A2



ARCHITECTURAL EXPRESSIONS, LLP
 100 CHESTNUT, SUITE 300,
 CHAMPAIGN, IL 61820
 PHONE: 217-378-5300 FAX: 217-378-8512
 www.aexllp.com
 IL DESIGN FIRM No. 184-001487

DATE: _____
 LIC. EXP.: _____

PERSPECTIVE

CHAMPAIGN PARK DISTRICT
 DOUGLASS PARK CONCESSIONS BUILDING AND
 SPORTS FIELD UPDATES
 512 E. GROVE ST CHAMPAIGN, IL

No.	Description	Date

SCHEMATIC DESIGN

Project Number	6340
Date	07/07/22
Drawn By	JLK
Checked By	AEX

A3

PROJECT COST OPINION

Project:	Douglass Park- Concession/Toilets/Exist. Ballfields	DATE:	7/8/2022
Owner:	Champaign Park District	AEX#:	0340
Description:	OSLAD Grant-	OWNR#:	
Baseball Site: SF	\$/SF: N/A	REV#:	
<i>ITEM</i>		<i>%</i>	<i>AMOUNT</i>
Pre-Planning Cost			N/A
Site Survey and Soil Investigation	2,600.00		\$ 2,500.00
Site Preparation (Incl. Demolition/Disposal)			
Hazardous Materials Remediation (Allowance)			N/A
Off-Site Work			N/A
WORK ITEM	ESTIMATE	\$/SF:	
GENERAL - Concessions Building, Pavilion, and Site	427,231.68	-	
SHELL	-	-	
SUPERSTRUCTURE	-	-	
EXTERIOR CLOSURE	-	-	
ROOFING	-	-	
INTERIORS	-	-	
SERVICES	-	-	
CONVEYING	-	-	
PLUMBING	-	-	
HVAC:	-	-	
FIRE PROTECTION	-	-	
ELECTRICAL	-	-	
Service Upgrade, Site Lighting	-	-	
EQUIPMENT & FURNISHINGS	-	-	
NEW BASEBALL FIELD (North)-Alternate #1 Alternate #1	273,134.00	-	
Fencing	-	-	
EXISTING FIELDS	63,160.00	-	
Total Construction Contracts	492,891.68	-	\$ 492,891.68
General Contractor Markups (General Conditions, Overhead, and Profit)		15%	\$ 73,933.75
SUBTOTAL CONSTRUCTION RELATED ITEMS		-	\$ 566,825.43
Fixtures, Furnishings and Equipment (FFE)- Concession Equipment			\$ 20,000.00
Architectural/Engineering/Civil Fees (Estimated)	8%		\$ 45,346.03
Owner's Rep			\$ -
Other Reimbursables (Printing)			\$ -
Bonds, Permits and Fees (not included in construction contracts)-Performance Bond			\$ 6,000.00
Fixed Capital Equipment (not in construction contracts)			\$ -
Building or Property Acquisition			\$ -
Archeological Investigation			\$ -
Audit			\$ -
SUBTOTAL PROJECT RELATED ITEMS		-	\$ 640,871.47
Contingency		10%	\$ 64,087.15
TOTAL FOR PROJECT		-	\$ 704,738.61

GENERAL - Concessions Building, Pavillion, and Site
 Main Bldg/Pavillon.: 576 & 1012SF

DESCRIPTION	1588 QUANTITY	SF U	UNIT COST	COST
Concession Building				
General Conditions				\$14,000.00
Sitework /Demolition				\$0.00
Earthwork	1	ls	\$13,750.00	\$13,750.00
Sanitary Service excavate , trench	1	ls	\$5,000.00	\$5,000.00
Sanitary Sewer	1	ls	\$9,000.00	\$9,000.00
Water Service, excavate, trench	1	ls	\$4,540.00	\$4,540.00
Water Service	1	ls	\$4,500.00	\$4,500.00
Walks				\$0.00
Concrete crushed rock base,grade,	1500	sf	\$9.00	\$14,400.00
Splash Blocks	4	ea	\$200.00	\$800.00
Landscaping				\$0.00
Concrete	1	ls	\$24,972.00	\$24,942.00
Masonry	1	ls	\$58,000.00	\$58,000.00
Carpentry	1	ls	\$32,670.00	\$32,670.00
Thermal/Moisture Protection				\$0.00
Insulation	1	ls	\$1,899.00	\$1,899.00
Metal Roofing	900	sf	\$16.00	\$14,400.00
Gutters Downspouts	1	ls	\$3,808.00	\$3,808.00
Doors & Windows				\$0.00
Security	1	ls	\$15,000.00	\$15,000.00
Doors	1	ls	\$3,340.00	\$3,340.00
Colling Counter door 4' x6'	2	ea	\$2,500.00	\$5,000.00
Finishes				\$0.00
FRP Panels	332	sf	\$7.99	\$2,652.68
Painting , resin flr.	1	ls	\$20,800.00	\$20,800.00
Toilet and Bath Accessories	1	ls	\$9,013.00	\$9,013.00
Plumbing	1	ls	\$45,500.00	\$45,500.00
HVAC	1	ls	\$6,400.00	\$6,400.00
Electrical	1	ls	\$56,717.00	\$56,717.00
PA System	1	Allow	\$3,500.00	\$3,500.00
Shade Pavillion				\$0.00
46' x 22' Pavillion	1012	sf	\$50.00	\$50,600.00
Concrete Patio	200	sf	\$10.00	\$2,000.00
Barbque Grilles	2	ea	\$2,500.00	\$5,000.00
				\$0.00
				\$0.00
				\$0.00
CONSTRUCTION COST				\$427,231.68

NEW BASEBALL FIELD (North)-Alternate #1

DESCRIPTION	QUANTITY	U	UNIT COST	COST	
North Baseball Field (new)					
Demolition & Site Preparation					
Sill Fence				\$2,320.00	
Construction Entrance(s)				\$1,830.00	
R & D: Existing turf grass and prepare soil				\$17,700.00	
R & D: Material to subgrade (field)				\$5,800.00	
R & D materials to subgrade (walkways)				\$2,745.00	
General, Earthwork					
Infield subbase (Assume 6")				\$5,704.00	
Infield Surfacing (Dura-Edge/Read Soils)				\$12,353.00	
Outfield Rough Grading				\$8,845.00	
Field Drainage				\$7,625.00	
Warning Track, 10'				\$18,910.00	
Field Irrigation			\$18,775.00		
Fine Grade & Sod (Field)				\$32,025.00	
Backstop (Chain Link 30' Ht.)				\$21,980.00	
Safety Netting at Backstop 40' Ht. (4 pole)				\$15,860.00	
Bases and Plates	1	ls	\$2,662.00	\$2,662.00	
4' Ht. Chain Link Fence along Foul Lines	320	lf	\$90.00	\$28,800.00	
Gates				\$3,050.00	
Foul Poles	2	ea	\$3,000.00	\$6,000.00	
Fencing Safety Topper				\$1,617.00	
Walkways Gravel Base				\$2,135.00	
Walkways (2" Single Course Asphalt)				\$7,168.00	
Fine Grade & Seed (Lawn)				\$2,867.00	
Bullpen					
Dugout	20' x 10' with Metal Tops, powder coated	2	ea.	\$9,929.00	\$18,858.00
	Wrap with Chain link Fence	120	lf	\$45.00	\$5,400.00
	Concrete Slab	400	sf	\$6.00	\$2,400.00
	Benches				
Scoreboard		1	Allow.	\$10,000.00	\$10,000.00
Bleachers		50	Seat	\$100.00	\$5,000.00
Electric		1	Allow.	\$10,000.00	\$10,000.00
Plumbing ?					\$0.00
					\$0.00
Field Site Lighting- Refer to Alternate #2					\$0.00
					\$0.00
					\$0.00
CONSTRUCTION COST				\$273,134.00	

EXISTING FIELDS

DESCRIPTION	QUANTITY	U	UNIT COST	COST
Existing East Field (Small Field)				
Dugout (Existing) 20' x 10' with fabric Tops,	2	ea.	\$5,000.00	\$10,000.00
Wrap with Chain link Fence	120	lf	\$45.00	\$5,400.00
Concrete Slab	400	sf	\$6.00	\$2,400.00
Benches				\$0.00
				\$0.00
				\$0.00
				\$0.00
Existing South Field				\$0.00
Dugout (Existing) 30' x 10' with fabric Tops,	2	ea.	\$7,000.00	\$14,000.00
Wrap with Chain link Fence	120	lf	\$45.00	\$5,400.00
Concrete Slab	400	sf	\$6.00	\$2,400.00
Benches				\$0.00
Scoreboard	1	Allow.	\$10,000.00	\$10,000.00
Drainage Issue between 2nd. & 3rd. base				\$0.00
New topping dirt infield	213	cuyd	\$40.00	\$8,520.00
Green Turf, batting cage 12' x 70'	840	sf	\$6.00	\$5,040.00
CONSTRUCTION COST				\$63,160.00



REPORT TO PARK BOARD

FROM: Joe DeLuce, Executive Director

DATE: August 24, 2022

SUBJECT: Agreement for 2022-2023 Virginia Theatre Alcohol Concession

Proposal

To allow liquor service, including wine, beer, and spirits, at select Virginia Theatre events under a one year agreement with a licensed Champaign merchant, with the option to extend that agreement for one year if mutually agreed by merchant and park district.

Background

Since 2013, alcohol has been served at select Virginia Theatre events through contractual partnership with outside merchants to sell patrons wine and beer in the facility's lobbies. No glass containers are used, and the alcohol concession at these occasions—recent examples include Nate Bargatze, Lucinda Williams, and *That's What She Said*—has been carefully monitored, and service has gone without incident.

For the past seven years, Farren's Pub and Eatery has been the park district's merchant partner for alcohol service at the Virginia Theatre and has paid the district a commission of 25% of their net sales, providing the theatre with additional revenue while improving service to its patrons.

The partnering merchant for alcohol service at the Virginia is responsible for training their own staff and acting as an independent business-within-a-business, bringing their own supplies to the theatre and handling set-up and tear-down. The merchant is responsible for their own stock, insurance, alcohol licensing, "Bassett" certification of bar staff, and service to the public.

On August 5, 2022, staff distributed a request for proposals (RFP) to liquor merchants within the City of Champaign to offer one company the opportunity to receive exclusive sales rights of alcoholic beverages at the Virginia Theatre for one year beginning September 13, 2022, with an option to renew the contract for one year, by mutual agreement.

Prior Board Action

In 2015, 2016, and 2017, the park board approved successive agreements, each for a period of one year, with Farren's Pub and Eatery to act as sole merchant partner for public liquor sales at the Virginia Theatre. In 2018, the park board approved the option to renew and extend its 2017 agreement with Farren's for a period of one additional year, until September 12, 2019. On July 25, 2018, the park board also approved a proposal to allow the service of spirits at the Virginia, along with the previously approved service of wine and beer. In 2019, the park board again approved an agreement for a period of one year with Farren's Pub and Eatery to act as sole merchant partner for public liquor sales at the Virginia Theatre. With the closure of the Virginia during the COVID-19 pandemic, the board approved additional extensions, in 2020 and 2021, of the park district's agreement with Farren's Pub and Eatery up through September 12, 2022.

RFP Results

Two proposals were received at the Virginia Theatre by the deadline of 4:30 P.M., Thursday, August 18, 2022, from the following merchants:

Farren's Pub and Eatery, 117 North Walnut Street, Champaign, Illinois, 61820

Blue Dragonfly Catering, 1205 North Harris Avenue, Champaign, Illinois, 61820

In its proposal, Farren's Pub and Eatery indicated they will pay CPD a commission of 25% of net sales of wine, beer, and spirits at the Virginia Theatre, as the theatre's sole public liquor merchant for a period of one year beginning September 13, 2022, with the option to renew the contract for one year, by mutual agreement. They accepted and agreed to the terms of the RFP. Farren's Pub and Eatery currently holds a catering license which allows them to serve alcohol at the Virginia Theatre.

In its proposal, Blue Dragonfly Catering indicated they will pay CPD a commission of 10% of gross sales of wine, beer, and spirits at the Virginia Theatre, as the theatre's sole public liquor merchant for a period of one year beginning September 13, 2022, with the option to renew the contract for one year, by mutual agreement. They accepted and agreed to the terms of the RFP.

Blue Dragonfly Catering also indicated in their proposal that the company does not currently hold a liquor license which would allow them to serve alcohol at the Virginia but would plan to apply for one should they be awarded a contract by the park district.

Budget Impact

Since the Virginia's partnering liquor merchant is responsible for all costs involved in offering the service, expense for the park district is limited to the City of Champaign-mandated purchase of Class T-3 temporary liquor licenses (one per event). This is a non-refundable fee of \$80.00, per license, projected at \$1,040.00 for the fiscal year and is included in the Virginia's FY23 Concessions budget. Staff reports that the sales commissions offset the cost of the licenses.

Recommended Action

The submitted proposals differ in how the commission is calculated. Farren's Pub and Eatery offers a 25% commission based on net sales after the deduction of various business expenses, while Blue Dragonfly Catering offers a 10% commission based on gross sales, with no deduction for business expenses.

In its sales report for September, 2021 to August, 2022, Farren's Pub and Eatery's commission averaged 12.5% after the deduction of business expenses such as labor, supplies, and tax.

Staff recommends the park board authorize the Executive Director to enter into an agreement with Farren's Pub and Eatery to act as sole merchant partner for public alcohol sales, including wine, beer, and spirits, at the Virginia Theatre for a one year period beginning September 13, 2022, with the option to extend that agreement by one year, if mutually agreed, from September 13, 2023, to September 12, 2024.

Prepared by:

Steven Bentz
Director, Virginia Theatre

Reviewed by:

Joe DeLuce, CPRP
Executive Director



REPORT TO PARK BOARD

FROM: Joe DeLuce, Executive Director

DATE: August 17, 2022

SUBJECT: Dodds Tennis Center Janitorial Service Bid

Background

For more than thirteen (13) years, the Dodds Tennis Center has contracted its janitorial services. ESS Clean, Inc., has been the provider for the past five indoor seasons. Comparative totals for the last three years regarding bid amount and actual amount spent are highlighted in the chart below:

Contract Year	Base Bid Annual Amount	Alternate 1 Carpet Cleaning	Alternate 1 Fabric Covered Furniture Cleaning	Alternate 1 West Wall Dusting	Alternate 2 Additional Services Rate	Actual Amount Spent
2019-20	\$21,130.00	\$175 per cleaning	\$175 per cleaning	\$150 per cleaning	\$20/hr	\$18,167.45
2020-21	\$21,130.00	\$175 per cleaning	\$175 per cleaning	\$150 per cleaning	\$20/hr	\$16,260.85
2021-22	\$22,176.50	\$184 per cleaning	\$184 per cleaning	\$157 per cleaning	\$21/hr	\$18,725.34

Recently, a request for bid was posted due to the most recent contract's expiration on May 27, 2022. One bid was received, opened, and read aloud on August 16, 2022.

Prior Board Action

At the August 14, 2019 Regular Board Meeting, the Board authorized the Executive Director to enter the Champaign Park District into a two (2) year contract with ESS Clean, Inc., of Urbana, Illinois, in the annual base bid amount of \$21,130.00 with Alternate 1 Carpet Cleaning of \$175.00, Alternate 1 Fabric Covered Furniture Cleaning of \$175.00 and Alternate 1 West Wall Dusting of \$150.00 for a total of \$21,630.00. Also accepting and approving Alternate 2 Additional Services Rate of \$20.00/hour on an as needed basis.

This bid also had an option to renew for one (1) additional year, which was brought to the board on June, 9th with a roughly 5% increase due to increased minimum wage expenses. The Board authorized the Executive Director to enter the Champaign Park District into a one (1) year contract with ESS Clean, Inc., of Urbana, IL in the annual base amount of \$22,176.50 with Alternate 1 Carpet Cleaning of \$184.00, Alternate 1 Fabric Covered Furniture Cleaning of \$184.00 and Alternate 1 West Wall Dusting of \$157.00. Also accepting and approving Alternate Services Rate of \$21.00/hour on an as needed basis.

The mission of the Champaign Park District is to enhance our community's quality of life through positive experiences in parks, recreation, and cultural arts.

Bid Results

The Dodds Tennis Center janitorial service was bid for a two (2) year period, with an option to renew for an additional one (1) year. Bid packets were available to potential bidders beginning July 29, 2022 with past bidders notified. The bid packet was also posted on champaignparks.org on July 29, 2022. A bid notice was published in the July 31, 2022 issue of *The News-Gazette*. One bid was received, opened and read aloud on August 16, 2022. The results are below:

Bidder	Base Bid Annual Amount	Alternate 1 Capet Cleaning	Alternate 1 Fabric Covered Furniture Cleaning	Alternate 1 West Wall Dusting	Alternate 2 Additional Services Rate
ESS Clean, Inc. Urbana, Illinois	\$28,180.00	\$195.00	\$195.00	\$165.00	\$22.00/hour

Budget Impact

The amount of \$26,735.00 has been budgeted for Service Contracts-Facilities in the FY22-23 Tennis Programs budget. However, staff anticipate the total annual expenditure will be less because the Park District has not historically spent the entire base bid amount due to ESS Clean’s willingness to pro-rate for dates the facility is closed each month (with advanced notice).

Recommended Action

Staff recommends accepting the Base Bid and Alternate 1 Carpet Cleaning, Alternate 1 Fabric Covered Furniture Cleaning and Alternate 1 West Wall Dusting and authorizing the Executive Director to execute a two year contract with the option to renew for one additional year with, ESS Clean, Inc., of Urbana, Illinois, in the annual base bid amount \$28,180.00 with Alternate 1 Carpet Cleaning of \$195.00, Alternate 1 Fabric Covered Furniture Cleaning of \$195.00 and Alternate 1 West Wall Dusting. Also accepting and approving Alternate 2 Additional Services Rate of \$22.00/hour on an as needed basis.

Prepared by:

Reviewed by:

Jimmy Gleason
Director of Revenue Facilities

Joe DeLuce
Executive Director



REPORT TO PARK BOARD

FROM: Joe DeLuce, Executive Director
DATE: August 24, 2022
SUBJECT: Foundation By-Laws Amendment

Introduction

The by-laws of the Champaign Parks Foundation currently only provide for in person meetings, as indicated in Article V, Section 1, "All such meetings shall be held at a Champaign Park District facility." No provisions are made for telephone, video or other electronic means of meeting. With the onset of COVID, board members found it necessary to meet virtually in order to continue conducting regular business. Although COVID related restrictions have since been relaxed, there are often times when individual members are unable to attend meetings physically, but would still be able to attend virtually in order to provide a quorum.

Prior Board Action

The Board tabled approval of the Parks Foundation By-Laws amendment at its July 27, 2022 Special Meeting in order to prepare a resolution for approval of said amendment.

Budget Impact

None

Recommended Action

During their July 2022 meeting, the Champaign Parks Foundation Board of Directors approved forwarding a request to the Park Board to amend the Foundation by-laws to allow members to attend a meeting electronically (such as by telephone, video or internet connection) as long as a quorum remains throughout the meeting. As such, the Champaign Parks Foundation Board of Directors requests the Champaign Park District Board of Commissioners approve the by-laws to read, "MEETINGS OF THE BOARD. A regular meeting of the Board of Directors shall be held monthly. An annual meeting of the Board of Directors shall be held in May of each year. Special or additional meetings of the Board may be deemed necessary or desirable and may be called by the Chairman of the Board or any three (3) Directors upon such notice as provided for in these bylaws. All such meetings shall be held at a Champaign Park District facility. If a Director is unable to attend in person, the Director may attend a meeting electronically (such as by telephone, video or internet connection) as long as a quorum remains present and Directors can be seen throughout the meeting. In the event of electronic attendance, a Director shall notify the Champaign Park District Development Director at least twenty-four (24) hours in advance of a meeting, in order for suitable communications equipment to be arranged." Amended by-laws attached for review.

Prepared by:

Laura C. Auteberry
Development Director

Reviewed by:

Chelsea Norton
Director of Marketing &
Communications

**RESOLUTION
APPROVING AMENDMENTS OF BYLAWS TO
THE CHAMPAIGN PARKS FOUNDATION**

WHEREAS, the Champaign Park District Board of Commissioners formed the Champaign Parks Foundation, a not for profit corporation, duly authorized to transact business in the State of Illinois;

WHEREAS, the Champaign Parks Foundation was formed for the purposes of philanthropic support, carrying out capital campaigns, and accepting and managing donations and gifts for the benefit of the Champaign Park District, including without limitation, land, cash, and marketable securities;

WHEREAS, the Illinois General Not For Profit Corporation Act permits directors or nondirector committee members to participate in and act at meetings of the board or any such committee through the use of conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other and where participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating;

WHEREAS, the Champaign Parks Foundation has proposed and approved for itself amendments to such bylaws; and

WHEREAS, a copy of such bylaw amendments is attached hereto, made a part hereof and incorporated by reference herein as Exhibit A; and

WHEREAS, amendments to the bylaws of the Champaign Parks Foundation must be approved by the Board of Commissioners of the Champaign Park District;

NOW, THEREFORE, BE IT RESOLVED, that the Champaign Park District Board of Commissioners hereby approves, confirms, and ratifies the amendment to the bylaws of the Champaign Parks Foundation, specifically as set forth in Article V thereof.

APPROVED by the Board of Commissioners of the Champaign Park District this 24th day of August 2022.

Ayes: _____

Nays: _____

Kevin J. Miller, President

Jarrod Scheunemann, Secretary

BY-LAWS OF CHAMPAIGN PARKS FOUNDATION

ARTICLE I

Name

This not-for-profit Corporation shall be known as CHAMPAIGN PARKS FOUNDATION, and it is incorporated under the laws of the State of Illinois General Not For Profit Corporation Act.

ARTICLE II

Purpose

The purpose of the Champaign Parks Foundation is to develop philanthropic support for the Champaign Park District.

ARTICLE III

Office and Registered Agent

The Foundation shall have and continuously maintain in the State of Illinois a registered office and a registered agent, whose office is identical with such registered office, and may have such other offices within or without the State of Illinois as the Board of Directors may from time to time determine.

ARTICLE IV

Board of Directors

SECTION 1. GENERAL POWERS. The affairs of the Foundation shall be managed by its Board of Directors under the auspices of the Champaign Park District.

SECTION 2. NUMBER, TENURE AND QUALIFICATIONS. The number of Directors shall be not less than five (5) and not more than eleven (11) who shall be appointed by the Board of Commissioners of the Champaign Park District. The Directors shall serve for a term of three years except that the first eleven (11) directors shall serve staggered three (3) year terms with not more than one-half of the originally appointed Directors serving two (2) year terms, with the terms to be determined by straw vote. The Executive Director of the Park District and one Commissioner from the Board of Commissioners of the Champaign Park District Board or his/her designee as appointed by the Board of Commissioners of the Champaign Park District shall be voting Directors of the Board in addition to the number of appointed Directors as stated above.

SECTION 3. NOMINATION. The Directors shall nominate board members to be appointed to the Foundation Board and submit the proposed members to the Board of Commissioners of the Champaign Park District. The Board of Commissioners of the Champaign Park District shall approve the appointment of members for the Board of Directors within its sole discretion.

SECTION 4. RESIGNATION OF DIRECTORS. A Director may resign at any time by giving written notice thereof. Such resignation notice shall be provided in writing to the President of the Board of Directors, with a copy thereof to the Champaign Park District Executive Director.

SECTION 5. REMOVAL AND PARTICIPATION. Any Director may be removed, with or without cause, at a meeting of Directors by the affirmative vote of the majority of the Directors then entitled to vote, provided that the President of the Board of Directors shall provide written or verbal notice of the proposed removal to the affected Director within one week of such meeting.

SECTION 6. VACANCIES. Any vacancy occurring on the Board of Directors by reason of death, resignation, removal, and disqualification or otherwise, and any directorship to be filled by reason of an increase in the number of directors, shall be filled by appointment according to the procedure set forth in Section 3 above. The Director appointed to fill a vacancy shall do so for the unexpired term of his/her predecessor, and upon the expiration thereof shall be eligible for appointment to a full term.

SECTION 7. ANNUAL REPORT. Prior to the Annual Meeting of the Foundation, the Board of Directors shall cause an Annual Report to be furnished to it. The report shall include the financial condition as to its income and expenses for the previous year.

SECTION 8. QUORUM. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided, that if less than a majority of the directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

SECTION 9. MANNER OF ACTING. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, except where otherwise provided by law or by these bylaws. Robert's Rules of Order shall be utilized in the conduct of the meetings.

SECTION 10. PROXY PROHIBITED. PRESUMPTION OF ASSENT. No Board member may act by proxy. A Director who is present at a meeting of the Board at which action on any matter is taken shall be conclusively presumed to have assented to the action taken unless his or her dissent shall be entered into the minutes of the meeting or unless he or she shall file his or her written dissent to such action with the person acting as the secretary of the meeting. Such right to dissent shall not apply to a Director who voted in favor of an action.

SECTION 11. ACTION BY UNANIMOUS WRITTEN CONSENT WITHOUT MEETING. Any action required by law to be taken at a meeting of the Board, or any action which may be taken at a meeting of the Board, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all members of the Board of Directors. Email votes, taken and received by a majority of the Board of Directors shall also serve as "written consent."

SECTION 12. COMPENSATION. Directors shall receive no compensation for service on the Board, but shall be reimbursed for all reasonable and necessary expenditures incurred in the performance of their duties.

ARTICLE V

Meetings

SECTION 1. MEETINGS OF ~~THE BOARD AND COMMITTEES~~. A regular meeting of the Board of Directors shall be held monthly. An annual meeting of the Board of Directors shall be held in May of each year. Special or additional meetings of the Board may be deemed necessary or desirable and may be called by the Chairman of the Board or any three (3) Directors upon such notice as provided for in these bylaws. ~~Committee(s) meeting(s) shall be held once every two (2) months or more frequently as such committee shall determine from time to time.~~ All such meetings shall be held at a Champaign Park District facility. If a ~~member~~ Director is unable to attend in person, ~~the Director~~ individual board members may attend a meeting electronically (such as by telephone, video or internet connection) as long as a quorum remains present throughout the meeting and Directors can be seen throughout the meeting. If the member is participating via a video call, the camera must remain on throughout the entire meeting. The member should in the event of electronic attendance, a Director shall notify the Champaign Park District

Development Director at least twenty-four (24) hours before the advance of a meeting, so in order for necessary suitable communications equipment can to be arranged.

SECTION 2. NOTICE. Except as otherwise provided for in these bylaws, notice of any special meeting or additional of the Board of Directors shall be upon not less than two (2) days previously thereto by written notice delivered personally or sent by mail or e-mail to each director at his address as shown by the records of the Foundation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid.

SECTION 3. WAIVER OF NOTICE. Whenever any notice of whatever is required to be given under the provisions of the General Not For Profit Corporation Act of Illinois or under the provisions of the articles of incorporation or the bylaws of the Foundation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE VI

Officers

SECTION 1. OFFICERS. The Officers of the Foundation shall be a Chairperson, Vice Chairperson, a Treasurer, a Secretary and such other officers as may be elected by the Board of Directors. Any two or more offices may be held by the same person, except the office of Chairperson and Secretary.

SECTION 2. ELECTION AND TERM OF OFFICE. The officers of the Foundation shall be elected annually by its Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor has been duly elected and shall have qualified.

SECTION 3. REMOVAL. Any officer or agent elected or appointed by the Board of Directors may be removed by a majority vote by the Board of Directors whenever in its judgment the best interest of the Foundation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

SECTION 4. VACANCIES. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Champaign Park District Board of Commissioners for the unexpired portion of the term.

SECTION 5. CHAIRPERSON. The Chairperson shall be the principal executive officer of the Foundation and shall in general supervise and control all of the business and affairs of the Foundation. The Chairperson shall preside at all meetings of the Board of Directors. The Chairperson may sign, with the Secretary or any other proper officer of the Foundation authorized by the Board of Directors, any deeds, bonds, contracts, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these bylaws or by statute to some other officer or agent of the Foundation; and in general shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board of Directors from time to time.

SECTION 6. VICE CHAIRPERSON. In the absence of the Chairperson or in the event of his inability or refusal to act, the Vice Chairperson shall perform the duties of the Chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall perform such other duties as may be prescribed by the Chairperson or by the Board of Directors from time to time.

SECTION 7. TREASURER. The Treasurer of the Champaign Park District Board of Commissioners shall serve as Foundation Treasurer and give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine, if required. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Foundation; receive and give receipts for moneys due and payable to the Foundation from any source whatsoever, and deposit all such moneys in the name of the Foundation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of these bylaws; and in general perform all the duties incident to the office of treasurer and such other duties as may be assigned by the Chairperson or Board of Directors from time to time.

SECTION 8. SECRETARY. The Secretary shall keep the minutes of the meeting of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; be custodian of the Foundation records; and in general perform all duties incident to the office of Secretary and such other duties as may be assigned by the Chairman or by the Board of Directors from time to time.

SECTION 9. ASSISTANT TREASURER AND ASSISTANT SECRETARIES. The Board of Directors may approve the use of Assistant Treasurers or Assistant Secretaries. If required by the Board of Directors, the Assistant Treasurer(s) shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine. The Assistant Treasurers and Assistant Secretaries, in general, shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the Chairperson or the Board of Directors.

SECTION 9. COMMITTEES. The Board of Directors may form committees of the Board for the purposes of fundraising campaigns, finance, recognition of donors and major gifts or other purposes decided by a majority of the Board which may include an Executive Committee of Officers. The Treasurer of the Champaign Park District shall serve as the finance chairperson.

ARTICLE VII

Contracts, Checks, Deposits and Funds

SECTION 1. CONTRACTS. Except as limited elsewhere by these bylaws, the Board of Directors may authorize any officer or officers, agent or agents of the Foundation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Foundation and such authority may be general or confined to specific instances.

SECTION 2. CHECKS, DRAFTS, ETC. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Foundation, shall be signed by such officer or officers, agent or agents of the Foundation in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the Chairperson or a Vice Chairperson of the Foundation.

SECTION 3. DEPOSITS. All funds of the Foundation shall be deposited within 48 hours of receipt to the credit of the Foundation in such banks, trust companies or other depositories as the Board of Directors may determine.

SECTION 4. GIFTS. The Board of Directors may accept on behalf of the Foundation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Foundation.

SECTION 5. EXPENDITURES. Expending of Foundation funds shall be approved by the Board of Directors. Requests for reimbursement of less than \$100 for expenses associated with potential donors, which shall not include alcoholic beverages, may be approved by the Treasurer when documentation is presented. A written expenditure listing shall be available at Board meetings.

SECTION 6. AUDIT AND LOANS. Bank balances of \$150,000 or if the Foundation uses a paid professional fundraiser that raised contributions in excess of \$25,000 shall require an annual audit. Contributions include the gross sums paid by the public for merchandise, rights or services of the organization, as well as monetary donations of whatsoever kind or character. Loans may not be undertaken without a majority vote of the Board of Directors and approval by the Champaign Park District Board of Commissioners. Loans shall not be made by the Foundation to any Officer or Director.

ARTICLE VIII

Books and Records

The Foundation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. All books and records of the Foundation may be inspected by any Director or his agent or attorney for any proper purpose at any reasonable time. Records shall be maintained at the principal office, Bresnan Meeting Center, 706 Kenwood Road, Champaign, Illinois.

ARTICLE IX

Fiscal Year

The fiscal year of the Foundation shall begin on the first day of May and end on the last day of April in each year.

ARTICLE X

Seal

The Corporate seal shall be inscribed with the name of the Foundation and the words "Corporate Seal, Illinois."

ARTICLE IX

Indemnification

SECTION 1. ACTIONS OTHER THAN BY OR IN THE RIGHT OF THE FOUNDATION. The Foundation shall indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceedings (other than an action by or in the right of the Foundation) by reason of the fact that (s)he is or was a director, trustee, governor, officer, employee or agent of the Foundation, or who is or was serving at the request of the Foundation as a director, trustee, governor, officer, employee or agent, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him/her in accordance with such action, suit or proceeding, if (s)he acted in good faith and in a manner (s)he reasonably believed to be in, or not opposed to the best interest of the Foundation, and had no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order or settlement shall not, of itself, create a presumption that the person did not act in good faith and in a manner which (s)he reasonably believed to be in or not opposed to the best interests of the Foundation, and had reasonable cause to believe that his/her conduct was unlawful.

SECTION 2. ACTIONS BY OR IN THE RIGHT OF THE FOUNDATION. The Foundation shall indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Foundation to procure a judgment in its favor by reason of the fact that (s)he is or was a director, trustee, governor, officer, employee or agent of the Foundation; or is or was servicing at the request of the Foundation as a director, trustee, governor, officer, employee or agent of another not-for-profit corporation or trust, against expenses (including attorneys'

fees) actually and reasonably incurred by him/her in connection with the defense or settlement of that action or suit, if (s)he acted in good faith and in a manner (s)he reasonably believed to be in, or not opposed to the best interests of the Foundation, and except that no indemnification shall be made in respect of any claim, issue or matter as to which that person shall have been adjudged to be liable for negligence or misconduct in the performance of his/her duty to the Foundation, unless, and only to the extent that the court in which the action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, that person is fairly and reasonably entitled to indemnity for those expenses as the court shall deem proper.

SECTION 3. INDEMNIFICATION AGAINST EXPENSES. To the extent that a director, trustee, governor, officer, employee or agent of the Foundation has been successful, on the merits or otherwise, in the defense of any action, suit or proceeding referred to in Sections 1 and 2 hereof or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith.

SECTION 4. AUTHORIZATION OF INDEMNIFICATION. Any indemnification under these bylaws (unless ordered by a court) shall be made by the Foundation only as authorized in the specific case, upon a determination that indemnification of the person is proper in the circumstances because (s)he has met the applicable standard of conduct set forth in these bylaws. Such determination shall be made (1) by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to that action, suit or proceeding, or (2) if a quorum is not obtainable, or, even if obtainable, a quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

SECTION 5. PAYMENT OF EXPENSES IN ADVANCE. Expenses incurred in defending an action, suit or proceeding may be paid by the Foundation in advance of the final disposition of that action, suit or proceeding, as authorized by the Board of Directors in the specific case, upon receipt of an undertaking by or on behalf of the Director, governor, trustee, officer, employee or agent to repay such amount, unless it shall ultimately be determined that (s)he is entitled to be indemnified by the Foundation as authorized in this Article.

SECTION 6. PROVISIONS NOT EXCLUSIVE. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any bylaws, agreement, vote of disinterested Directors, or otherwise, both as to action in his/her official capacity and as to action in another capacity while holding office, and shall continue as to a person who has ceased to be a Director, governor, trustee officer, employee or agent, and shall apply on behalf of their heirs, executors and administrators of that person.

SECTION 7. INSURANCE. The Foundation may purchase and maintain insurance on behalf of any person who is or was a Director, trustee, governor, officer, employee or agent of the Foundation, or who is or was serving at the request of the Foundation as a Director, trustee, governor, officer, employee or agent of an affiliated or related not-for-profit Corporation, entity or trust against any liability asserted against him/her and incurred by him/her in those capacities, or arising out of the status as such, whether or not the Foundation would have the power to indemnify against that liability under the provisions of this Article.

SECTION 8. NOTICE. If the Foundation has paid indemnity or has advanced expenses to a Director, governor, trustee, officer, employee or agent, the Foundation shall report the indemnification or advance in writing to the Directors with or before the notice of the next annual meeting.

SECTION 9. DEFINITIONS. For purposes of this Article, references to the "Foundation" shall include, in addition to a successor Foundation, any not-for-profit corporation or association authorized within the meaning of Section 501(c) and 170(c) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) into which it may transform, as if its separate existence had continued and it would have had the power and authority to indemnify its Directors, governors, trustee, officers, employees or agents, so that any person who was a Director, governor, trustee, officer, employee or agent of such not-for-profit corporation or association, or was serving at the request of such not-for-profit corporation or association as a Director, governor, trustee,

officer, employee or agent, shall stand in the same position under the provisions of this Article with respect to the successor corporation or not-for-profit corporation as such person would have with respect to such trust or not-for-profit corporation or association if its separate existence had continued.

SECTION 10. PAYMENTS A FOUNDATION EXPENSE. Any payments made to any indemnified party under these bylaws or under any other right to indemnification shall be deemed to be an ordinary and necessary expense of the Foundation and payment thereof shall not subject any person responsible for the payment or the Board of Directors to any action for waste or to any similar action.

ARTICLE X

Amendments to ByLaws

These bylaws may be altered, amended or repealed and new bylaws may be adopted by the affirmative vote of a majority of the Board of Directors in office at any regular meeting or at any special meeting, provided that any alteration, amendment, repeal, or enactment of new bylaws must be approved by the Board of Commissioners of the Champaign Park District. At least thirty (30) days written notice together with copies of such proposed alteration, amendment, repeal or enactment shall be provided to the Board of Commissioners of the Champaign Park District.

ARTICLE XI

Dissolution

The Champaign Park District Board of Commissioners may dissolve the Champaign Parks Foundation at a duly noticed public meeting upon the affirmative vote of a majority of such Board; provided that the Board of Directors may also dissolve the Foundation upon a two-thirds (2/3) vote at a meeting called for the purpose thereof. Upon the dissolution of the Foundation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the Foundation, dispose of all of the assets of the Foundation to the Champaign Park District or its successor, if any, exclusively for the purposes of the Champaign Park District, or in the event that no such successor exists, then to such organization or organizations organized and operated exclusively for charitable, educational, civic, scientific purposes, or combination thereof, as shall at the time qualify as an exempt organization or organizations under Section 501(c) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States internal revenue law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the court of the county in which the principal office of the Foundation is located, exclusively for such purposes or to such organization or organizations as said court shall determine which are organized and operated exclusively for such purposes.

Adopted and Approved by the Foundation Board of Directors on January 9, 2005

Amendment Approved by the Foundation Board of Directors on May 14, 2007

Amendment Approved by the Foundation Board of Directors on August 9, 2010

Amendment Approved by the Foundation Board of Directors on March 11, 2013

Amendment Approved by the Champaign Park District Board of Commissioners, December 9, 2015

Amendment Approved by the Champaign Park District Board of Commissioners, June 8, 2016

Amendment Approved by the Champaign Park District Board of Commissioners, August 24, 2022

Kevin J. Miller, President

Jarrod W. Scheunemann, Secretary

REPORT TO PARK BOARD



FROM: Joe DeLuce, Executive Director

DATE: August 24, 2022 (Original June 22, 2022)

SUBJECT: Rules and Regulations Ordinance - Board Review, Discussion and Tracking

Background

The Rules and Regulations committee asked the Commissioners to review the *Rules and Regulations Ordinance* document and make suggestions. This memo has served as a tracking log of the items that have been discussed by Commissioners since the first review. The sections, page numbers, and other information found throughout this document, refer to the red-line version that was distributed to Commissioners at the April 27, 2022 Board meeting with "Draft 5/17/2022 DJO" in the upper right corner.

Tentative Timeline

Aug. 24, 2022	Final comments from Commissioners to Dan.
Aug. 25 to Sept. 9	Internal staff editing, adding Commissioner comment, grammatical review, etc.
Sept. 12 to 20	Public review comment period.
Sept. 28, 2022	Board review of public comment and consensus on action (Discussion item).
Oct. 26, 2022	Board study session with final draft of Ordinance (Discussion item).
Nov. 9, 2022	Board approval of Rules and Regulations Ordinance.

Tracking

In the tracking tables below, grey highlighted headers are items to discuss in order to reach Board consensus so that the item can move forward. Yellow highlighted headers indicate that the items have been discussed and are ready to be added to the final document.

8/15/22	Chap. 6, Sec. New Section To Be Added	P. 37	Yea consensus:
Suggested: DJO – Addition of restrictions on begging and panhandling.			
Actions/Findings: The current ordinance draft addresses solicitation or begging in the Vending and Advertising section as it relates to those areas. There is nothing in the current draft for general begging and panhandling.			
Written: Begging or Panhandling 1. No Person shall beg or panhandle in District buildings, facilities or playgrounds or the entrances or stairways of such buildings or facilities. 2. No Person begging or panhandling on the Park District property shall obstruct or impede pedestrians or vehicles; harass District visitors with physical contact or persistent demands; misrepresent their affiliations; misrepresent what the solicited funds will be used for; or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, rental, activity, function, and/or special event conducted, sponsored, licensed or otherwise permitted by the District. 3. No person shall attempt to coerce or intimidate another person into giving money, goods or services.			

6/22/22	Chap. - Multiple, Sec. - Multiple	P. 23, et al	Yea consensus:
Suggested: BK: Why take out snowmobile restrictions? While we are at it, how/where do we specifically address golf cart use and motorized and electric vehicles and electric assist bikes?			
Actions/Findings: 1. Add a bicycle definition to specify the use of electric assist bikes. Definition is below. 2. In Chap. 4, sec. 2, add and integrate existing items with additional items paragraphed below. 3. Add “Motorized Vehicle” to the already existing “Vehicle” definition. They are one in the same. Item to be added is shown in green font in “Written” section below. <i>Finding:</i> We already separately define “All Terrain Vehicle”, “Minibike”, “Motorized Scooter”, “Trailbike”, “Snowmobile”, and “Vehicle” in the draft Ordinance. 4. In Chap. 5, sec. 5 – <i>Speed Limit</i> , add “bicycle, scooter, skateboard, skates or similar devices” and “trail, path and sidewalk” into the paragraph restricting speeds as posted. Item to be added is shown in green font in “Written” section below. <i>Finding:</i> The new ADA laws state we must allow motorized or electric vehicles when ADA protocol can be proven AND the user falls within our restrictions.			

The mission of the Champaign Park District is to enhance our community’s quality of life through positive experiences in parks, recreation, and cultural arts.

Written:

1. Bicycle definition – Every device propelled by human power upon which any person may ride, having two, three or four wheels, except scooters and similar devices. Low-speed electric bicycles equipped with fully operational pedals and an electric motor of less than 750 watts (1 horsepower) whose maximum speed when powered solely by such a motor is less than 20 mph shall be considered a bicycle and all regulations as such shall apply.
2. No person shall upon or in connection with any property of the District: a. Ride a bicycle on any path, trail, roadway, or other area or access that is designated and posted as prohibiting bicycles; or that is less than four feet in width. b. Fail to ride a bicycle as closely as practicable to the right-hand side of any road, trail or path, as conditions shall permit. c. Ride a bicycle on any path or trail more than two abreast, or on any roadway or road used by the public for regular motor vehicle access in any other manner than single file, or yield to all other trail users. d. Disobey any posted regulations, including but not limited to those which limit speed, or restrict access or movement. e. Operate any bicycle upon any road, path, drive, or parking area in any manner which endangers the safety of persons or property, or at a speed which is greater than is reasonable and proper for the safe operation of the bicycle, regarding traffic conditions and special hazards, such as trail crossings, entrances to parking areas, narrow or winding roads or paths, hills, curves, weather, road or path conditions, and pedestrian, or bicycle traffic. f. Ride a bicycle during the hours of darkness, without a white light on the front visible from a distance of five hundred feet (500') and a red reflector on the rear, visible in the light of an automobile headlight for a distance of one hundred feet (100') to six hundred feet (600').
3. "Vehicle" or "Motorized Vehicle" means any device in, upon, or by which any person or property may be transported, in addition to any device or conveyance on the land using wheels or belt-type track or tracks, skids or skis and propelled by an engine or motor and includes such land conveyances that are able to float and operate on water, except devices moved by human power alone.
4. No person shall in connection with any property of the Park District operate a vehicle, bicycle, scooter, skateboard, skates or similar devices on any trail, path, sidewalk, road, drive, or parking area at a speed greater than the speed limit posted along the right-of-way or, in the absence of such posted limit, at a speed in excess of ten (10) miles per hour, but in no event shall a vehicle be operated at a speed that is greater than reasonable and proper with regard to pedestrians present or traffic conditions.

6/29/22	Chap. 2, Sec. 3 - Vendors	P. 16	Yea consensus: KM, BK, CH, JS, TM
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Suggested: BK: Do we need to say Non-alcoholic beverages?
Actions/Findings: Since there are some events that allow alcohol (Ex. Virginia catering) we suggest the follow, to better define this section.
Written: If any applicant is requesting to sell food, non-alcoholic beverages, or any other items at the proposed event of rental, it shall be necessary for the applicant to obtain a permit from the Champaign Urbana Public Health Department. If the vendor is requesting to sell or distribute alcoholic beverages, there is no guarantee that permission will be granted. Vendors will be required to obtain additional permitting and additional insurance coverage. If the vendor intends to earn a profit at the event, an additional fee may be required.

6/22/22	Chap. 1, Sec. 4 - Definitions	P. 10	Yea consensus: Not needed - Common verbiage/definition
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Suggested: BK – With smoking, should we include verbiage about cannabis?
Actions/Findings: The general definition of smoking by Public Health would include Cannabis and other forms. I am suggesting that we can define smoking further in the definition sections instead of throughout the document.
Written: Add cannabis and vaping materials in the Smoking definition.

6/22/22	Chap. 2, Sec. 3 – Bounce Houses	P. 15	Yea consensus: Not needed due to better verbiage
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Suggested: BK – The term bounce house seems limited since there are other types of items similar in nature
Actions/Findings: Instead of “bounce houses” we will be using the term “inflatables” to match the industry standard. We will also add inflatables in the definition section of the Ordinance.
Written: We will change “bounce houses” to inflatables in order to match the broader definitions used by rental agencies and PDRMA.

6/29/22	Chap. – Multiple, Sec. - Multiple	P. 1-44	Consensus not needed – grammatical and editorial changes
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Suggested: BK: Seventeen grammatical and editorial changes between pages 1 and 44.
Actions/Findings: Dan has hard copy from Barb with all the changes. These will be made in the final copy.
Written: None at this time.

6/8/22	Sec. 16 – Fuel Powered or Radio Controlled...	P. 31	Yea Consensus: J, T, K, C
Suggested: JS – Ensure drone language is in restrictions. GH – Use “Unmanned Aircraft Systems” (UAS) for drone to match separate policy.			
Actions/Findings: Part A includes “drone” but <u>will add “UAS” language</u> . Part C covers UAS and Federal Aviation Administration guidelines.			
Written: No person shall upon or in connection with any property of the District: A. Start, fly or use any fuel-powered, air-propulsed or electric-powered model or toy or any radio controlled model car, aircraft, drone, Unmanned Aircraft System (UAS), boat or rocket or any similar controlled or powered toy or model, except at those areas or waters designated.			

Prior Board Action

April 27, 2022 – Board presented timeline, memo, original Rules and Regulations Ordinance, and new staff red-lined Rules and Regulations ordinance and tabled discussion of the Rules and Regulations until a later date.

June 8, 2022 – Preliminary discussion on the procedures we will be taking to review the Rules and Regulations as well as questions and considerations for the document.

June through August 2022 – Commissioners review of Rules and Regulations Ordinance.

Recommended Action

This is the last scheduled review for the Commissioners. No formal action is requested at this time, but we are seeking discussion and consensus for the first two boxes (with grey headers) in the “Tracking” section above.

Prepared by:

Daniel Olson
Director of Operations

Reviewed by:

Joe DeLuce
Executive Director