

Chicago Park District Code - Chapter 1

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CHAPTER I. - GENERAL PROVISIONS AND DEFINITIONS

Section A. - Definitions.¹

For the purposes of this Code the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural number shall include the singular number; and the singular number shall include the plural number.

"Board" means the seven Commissioners of the Park District, as established in the Park Act.

"City" means the City of Chicago, Illinois.

"Code" means the Code of the Park District and all amendments thereto.

"Commissioner" means any person appointed to the position of commissioner of the Park District, pursuant to the Park Act.

"Contractor" means any individual, entity, corporation, partnership, firm, association, union, trust, or estate, as well as any parent, subsidiary or subcontractor of any of the foregoing, whether or not operated for profit, who enters into an agreement involving sales, purchases, services or leases to, from or with the Park District.

"County" means the County of Cook, Illinois.

"Employee" means an individual employed by the Park District, whether part-time or full-time. "Employee" shall not include an "Official" or a "Contractor" as defined in this Section of this Chapter, but shall include an "officer".

"Officer" means any person appointed to an office of the Park District created pursuant to statute or ordinance.

"Official" means a person appointed to the Chicago Park District Board of Commissioners, the Personnel Board or the Ethics Panel.

"Park Act" means the Chicago Park District Act, 70 ILCS 1505 et seq., as heretofore or hereafter amended.²

"Park District" means the Chicago Park District.

"Park System" means all parks, parkways, playgrounds, athletic fields, tennis courts,

¹ Amended 4/9/2014

² Amended 7-21-1998

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golf courses, swimming pools, beaches, and other recreation areas, museums, zoological and botanical gardens, places, squares, circles, spurs, open places, driveways and roadways within parks, waters and lands under water, and also entrances and approaches thereto, docks and piers, channels and bridges, in, leading to, or connecting such park or parks or parts thereof under the supervision and control of the Board and such other rights and appurtenances as the Board shall utilize, whether the same be now or hereafter owned or acquired by the Board in fee or otherwise, including all land under and space above the surface of the ground.

“Party to a Civil Union” means a person who has established a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act, as amended or supplemented from time to time, 750 ILCS 75/1 *et seq.*³

“Person” means any individual, entity, corporation, partnership, firm, association, union, trust, or estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit. Whenever the word “person” is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

“Secretary” means the Secretary of the Chicago Park District.

“Spouse” means an individual who is (i) legally married to another person; (ii) party to a civil union.⁴

“State” means State of Illinois.

Section B. - Organization of Code.⁵

B.1. Title and Scope of Ordinance.

This ordinance shall be known as the “Code of the Chicago Park District” and shall be treated and considered as a comprehensive ordinance that shall completely supersede the General Ordinance or Ordinances of the Chicago Park District, as amended, and all other general ordinances passed by the Board of Commissioners prior to July 24, 1990, except such as by reference thereto are expressly saved from repeal or continued in full force and effect for any purpose.

B.2. Amendments.

³ Amended 07-13-2011

⁴ Amended 07-13-2011; 04/09/2014

⁵ Amended 11-14-18

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⁶To provide public notice and to solicit public input, the Secretary shall initiate a notice period of at least forty-five (45) days, commencing from the date an amendment is presented to the Board. Such notices shall be posted on the Chicago Park District website and at fieldhouses. At the conclusion of the notice period, the General Superintendent or his/her designee may in his/her discretion recommend to the Board that it approve the requested amendments. Such notice periods may be waived upon written finding of an extraordinary circumstance by the General Superintendent or his/her designee. All amendments to this Code shall be deemed to be incorporated into this Code so that a reference to the "Code of the Chicago Park District" shall be understood as including them.

B.3. Official Copies.

The Secretary shall maintain an electronic copy of this Code. Said electronic copies shall be maintained by the Secretary in such condition that it will show all general ordinances passed to date at any time in such manner that ready reference may be had thereto. In determining whether or not any ordinance, or any part thereof, hereafter passed, shall be inserted in this Code and in determining the form, chapter, or section in which it shall be inserted and in determining what shall be deleted, the Secretary shall be governed by the advice of the General Counsel or designee.

B.4. Revisions.⁷

The General Counsel shall review, prepare and publish electronic revisions of this Code or supplements of the portions of the Code that have been revised by reason of amendment or repeal since the last publication of the Code, at reasonable intervals, but not less than every two years through the District's web portal. The Secretary shall make such revisions available as soon as is practicable barring technical difficulties and or issues beyond control.

B.5. Legal Publication.

No Official or Employee of the Park District shall issue, mail or distribute any book, pamphlet, leaflet, or other printed matter purporting to contain excerpts from this Code or purporting to give a digest, interpretation, resume, condensation or explanation of the same, without the prior express approval of the General Counsel.

B.6. Distribution of Code.

A written electronic copy of this Code, except such as shall be reserved by the General Counsel, shall be deposited with the Secretary, who shall make known the availability of the electronic revision available on the web portal and shall deliver upon request one copy to the President, one copy to each Commissioner, once copy to the General Superintendent, and one copy to the head of each office, department or division of the Park District and to

⁶ Amended 7-11-2018

⁷ Amended 12-18-1991

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such persons as the General Superintendent may designate. The General Superintendent shall determine; provided, however, that the General Superintendent may authorize distribution, without charge, to any public library, school library or university library or to any governmental entity. (Amended 5-11-1948; 7-21-1998)

B.7. Severability.

If any provision of this Code or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Code that can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this code is severable, unless otherwise provided by this Code. It is hereby declared to be the intent of the Board that this Code would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

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Section C. - Ineligibility to do Business with the Park District⁸

C.1. Scope.

- (a) This Section shall apply to all Sections of the Code unless specifically stated otherwise; however this Section:
- i. Does not affect any Debarment rules or procedures adopted by the Park District; and,
 - ii. Does not affect the debarment of any Business as determined by the Park District
 - iii. Does not restrict the ability of the Director of Purchasing to make determinations pertaining to the responsibility or responsiveness of a Business on a contract-by-contract basis for any reason, including those stated in this Section; to suspend a Business; or to reject any and all bids pursuant to the applicable provisions of the Code, or any other provision of law or legally permissible reason.
 - iv. Does not restrict the Director of Purchasing ability to apply lesser sanctions than debarment when appropriate.
- (b) This Section applies to all Businesses currently doing business or seeking to do business with the Park District

C.2. Policy.

- (a) The serious nature of a finding of Ineligibility requires that these sanctions be imposed only in the public interest and not for purposes of punishment. The Board of Commissioners, upon recommendation by the General Superintendent shall determine Ineligibility only for causes set forth in this Section.

C.3. Definitions.

- (a) As used in this Section:
- i. “Business” means as defined in Chapter 11 of the Code of the Chicago Park District.
 - ii. “Controlling person” means any person who (1) is an officer, director, manager, managing member, partner, general partner or limited partner of

⁸ Add Section 03-09-2011
Rev. 12/2018

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any business entity; or (2) owns, directly or indirectly through one or more intermediate ownership entities, more than 7.5% of the ownership interest

- iii. in any business entity; or (3) controls, directly or indirectly through one or more intermediate ownership entities, the day-to-day management of any business entity.
- iv. “Doing business” or “do business” means any Business who has entered into or who attempts to enter into any contract, agreement, permit, license, lease, or other transactions with the Park District, including as a sub-contractor or supplier.

C.4 Ineligibility to do Business with the Park District.

(a) *Ineligibility due to a conviction.* No Business shall be eligible to do business with the Park District if the Business or controlling person of such Business has ever been convicted, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any kind, or of a criminal offense of whatever degree, involving;

- 1. bribery or attempted bribery, or its equivalent under any local, state or federal law, of any public officer or employee of the Park District, City of Chicago or of any sister agency; or
- 2. theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonestly or deceit, or its equivalent under any local, state of federal law, against the Park District, City of Chicago or of any sister agency; or
- 3. conspiring to engage in any of the acts set forth in items (1) or (2) of this subsection (a).

(b) *Ineligibility due to an admission of guilt.* No Business shall be eligible to do business with the Park District if the Business or controlling person of such Business has made in any civil or criminal proceeding an admission of guilt of any of the conduct set forth in items (1) through (3) inclusive, of subsection (a) of this section, under circumstances where such admission of guilt is a matter of record but has not resulted in criminal prosecution for such conduct.

(c) *Ineligibility due to filing of charges or indictment.* No Business shall be eligible to do business with the Park District if the Business or controlling person of such Business is charged with or indicted for any felony or criminal offence set forth in items (1)

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through (3), inclusive, of subsection (a) of this section. Such ineligibility shall remain in effect until final adjudication is made with respect to such felony or criminal offense.

- (d) *Successor business entities.* Notwithstanding anything to the contrary in the section, if a Business seeking to do business with the Park District (“the applicant entity”) acquires or is merged with a Business that is ineligible under this section to do business with the Park District (“prohibited entity”) such applicant entity shall be eligible to do business with the Park District if all of the following apply: (1) no controlling person or agent of such applicant entity has made an admission of guilt or been convicted, charged or indicted for any of the criminal conduct forming the basis of the prohibited entity’s ineligibility to do business with the Park District; and (2) no person who was a controlling person of the prohibited entity at the time such criminal conduct occurred is a controlling person of the applicant entity; and (3) all other eligibility requirements of this section have been met by the applicant entity and all controlling persons thereof.

C.5. Procedure.

- (a) Upon notification to the General Superintendent of the existence of a condition of Ineligibility as indicated in this Section, a Notice of Proposed Ineligibility shall be delivered to the Business’ contact and address as provided to the Park District, via certified mail or personal service or by any other means reasonable to provide actual notice to the Business (including publication). Date of Delivery will be the date of receipt, if by personal service, or the date of mailing or placing with a private delivery service, with proof of mailing or placement.

- (b) The Notice shall state:

1. That Ineligibility is being proposed
2. The basic facts and reasons for the proposed Ineligibility,
3. The cause(s) relied upon for the proposed Ineligibility;
4. Name, address, telephone and fax numbers, and e-mail address of the Park District contact who can discuss the matter;
5. Copies of the portion(s) of any law, statute, ordinance, regulation, rule or policy alleged to have been violated, if applicable;
6. A copy of this Section, and
7. The date of the Board Meeting of the Park District Board of Commissioners where Ineligibility will be recommended

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- (c) A decision for a finding of Ineligibility shall be made as a recommendation to the CPD Board of Commissioners by a letter to the Board at a properly noticed Board Meeting (the “Board Letter”). This Board Letter shall include information:
1. Specifying the reasons for recommending Ineligibility, with reference to record facts;
 2. Stating the period and scope of the recommended Ineligibility, including effective dates;
 3. Stating the effect of the recommended Ineligibility on the Business’ ability to do business with the Park District;
 4. Stating the effect of the recommended Ineligibility on the Business’ affiliates, entities or any other individuals; and
 5. Include a copy of the Notice.
- (d) The Board Meeting where the proposed Ineligibility is to be recommended shall be no less than 30 days from the date of delivery of the Notice.
- (e) At said Board Meeting the Business shall be given the opportunity to be heard to dispute the recommend Ineligibility, the length and scope of which is determined solely by the Board of Commissioners.
- (f) At said Board Meeting the Board of Commissioners shall vote for any Ineligibility. The date of the vote shall be the effective date of Ineligibility unless stated otherwise in the Board Letter or in accordance with these Rules.
- (g) Once the Agenda of said Board Meeting has been publicly posted, a copy of the Board Letter is to be provided to the Business prior to the start of the Board Meeting, if requested by the Business.
- (h) A recommendation for Ineligibility may be withdrawn by the General Superintendent without prejudice any time prior to the vote of the Board of Commissioners.
- (i) The decision of the Board, in acting on the recommendation, shall be final. The Business’ sole remedy shall be judicial review by a common law writ of certiorari in Illinois.

C.6 Duty to Maintain Eligibility.

- (a) Eligibility under this Section to do business with the Park District shall be a continuing requirement for doing business with the Park District.

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- (b) Failure to maintain eligibility to do business with the Park District in violation of this Section shall render any contract, agreement, permit, license, or lease or other transactions with the Park District, including as a sub-contractor or supplier on behalf of or in any way connected to such Business or controlling person voidable or subject to termination or revocation, as applicable, at the option of the General Superintendent. Provided, however, that no such action shall be voided, terminated or revoked by the General Superintendent if, upon written application to the General Superintendent, the Director of the department utilizing the products or services of the Business sets forth facts sufficient in the judgment of the General Superintendent to establish (1) that the public health, safety or welfare of the public requires such action or the goods or services provided as a result of such action; or (2) that the Park District is unable to acquire the goods or services provided as a result of such action at comparable price and quality, or in sufficient quantity or time, from other sources.

C.7. Cancellation of Ineligibility.

- (a) Ineligibility may be cancelled prospectively or the duration and or scope may be reduced or waived by the General Superintendent, upon written application of the Ineligible Business, supported by documentation, for any of the following reasons:
1. Reversal of the conviction or judgment which Ineligibility is based. If the conviction or judgment was based on an admission of conduct that was a cause for Debarment, the General Superintendent shall determine whether such admitted conduct negatively affects the responsibility of Business;
 2. Bone fide change in ownership and or control of the Business, or other mitigating factors sufficient, in the judgment of the General Superintendent, to remove the conditions giving rise to the conduct that led to the Ineligibility.
- (b) An application by or on behalf of an Ineligible Business to cancel the Ineligibility must be in writing, state the specific bases for the application and include all reasons and documents the applicant intends to rely upon in support of the application. The General Superintendent may request that the applicant present its argument to the Park District Board of Commissioners at a properly noticed Board Meeting to determine any cancelation or waiver of Ineligibility.