

ORDINANCE NO. 2013-16

AN ORDINANCE ADOPTING STANDARDS REGARDING PARK DISTRICT EXPENSES FOR PARK DISTRICT COMMISSIONERS.

* * *

PREAMBLES

WHEREAS, the Harvey Park District (the “District”) is a duly organized and existing park district located in Cook County, Illinois; and

WHEREAS, the District is a park district created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Park District Code of the State of Illinois, as supplemented and amended; and

WHEREAS, the District is primarily funded with taxpayer monies to provide programming for community events; and

WHEREAS, Illinois law makes clear that publically elected officials shall remain debt free to the Districts that they are elected to represent; and

WHEREAS, it is obvious to state that all District funds are only to be used for public purposes; and

WHEREAS, the Board of Commissioners of the District (the “Board”) hereby states its intent to attempt to reclaim all debts owed to it; and

WHEREAS, the Board acknowledges its obligation to protect, defend, and indemnify District Commissioners from and against certain causes of action and liabilities as set forth in Section 8-20 of the Park District Code (the “Indemnification Obligation”); and

WHEREAS, the Board does not desire to extend the Indemnification Obligation beyond what is required by the Park District Code; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of the Harvey Park District, Cook County, Illinois (the “Board”), as follows:

Section 1. Incorporation of Preambles.

The Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by reference.

Section 2. Purpose.

The purpose of this Ordinance is to establish standards for District Commissioners regarding District expenses.

Section 3. Authorization.

The Board hereby determines that District Commissioners are not permitted to use District expense accounts for matters unrelated to the District’s operations. The District shall use all means to ensure that the debts of the District are collected, including any debts incurred prior to the enactment of this Ordinance, and will prohibit District Commissioners from incurring debts on behalf of the District on matters unrelated to the District’s operations. The District is hereby permitted to utilize all means available to enforce this Ordinance. The District refuses to indemnify, protect or defend any action of any District Commissioner to collect on such a debt unrelated to the District’s operation, specifically finding that such actions are not actions related to civil rights damage claims and suits, constitutional rights damage claims and suits, death and bodily injury damage claims and suits, and property damage claims and suits. The Board further finds that the

incurring of an unapproved or inappropriate debt on behalf of the District is not an action to be deemed to have been committed within the scope of employment, or under the direction, of the Board or District. The Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance and authorizes and directs the President of the Board (the “President”) or the Board’s designee to execute any and all documentation and to take any additional steps that may be necessary to effectuate the intent of this Ordinance. The District Secretary is hereby authorized and directed to attest to and countersign any documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The District Secretary is also authorized and directed to affix the Seal of the District to such documentation as is deemed necessary. The officers, employees and/or agents of the District are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance and to effectuate the goals of this Ordinance.

Section 4. Headings.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 5. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and

deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6. Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7. Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the District as provided by the Park District Code of the State of Illinois, as supplemented and amended.

Section 8. Effective Date.

This Ordinance shall be effective and in full force immediately upon passage and approval.

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PASSED, this 20 day of December, 2016.

APPROVED, this 20 day of December, 2016.

President

ATTEST:

[Signature]
Secretary

Ayes: 3

Nays: 0

Absent: 2

Other: _____

