

**Chicago Park District Code
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CHAPTER II - THE BOARD OF COMMISSIONERS AND APPOINTMENT OF OFFICERS AND EMPLOYEES

Section A. - *The Board of Commissioners*

A.1. Management

The management and control of business and property of the Park District shall be vested in the Board of Commissioners as created and established by the Park Act.

A.2. Annual Meetings¹

The annual meeting of the Board of Commissioners shall be held on the second Wednesday of May in each year ~~at 4:45 p.m. in the afternoon or at such other date and time as the Board may set~~ or at such date and time as the Board may set per the annual schedule.

A.3. Regular Meetings²

The Board of Commissioners shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times and places of such meetings. At least three regular meetings shall be held in different fieldhouses located throughout the Park District, with each of the three meetings being held in a different fieldhouse during each four-month period of the calendar or fiscal year. Public notice of such fieldhouse meetings shall be given as prescribed in An Act in Relation to Meetings, 5 ILCS 120/1.01 et seq. as heretofore or hereafter amended.

A.4. Special Meetings

Special meetings of the Board of Commissioners shall be held when called by the Secretary at the request of the President or any two Commissioners. All Park District business, of whatever nature or description, may be considered and disposed of at such special meetings the same as if at a regular meeting. Written notice shall be given by the Secretary to each Commissioner of the time and place of each special meeting, by depositing the properly addressed and stamped notice in the United States mail, or by telegram, facsimile, or personal service at least twenty-four hours before said meeting.

Such notice need not contain special reference to the matters of business to be considered at such meeting. At or after such special meeting, Commissioners may waive the requirement of notice.

¹ Amended 6-25-1985; 10-8-1991; Proposed amendment introduced 01-24-24

² Amended 8-24-48; 12-27-63; 11-12-69; 6-25-1985; 10-8-1991; 17-21-1998

A.5. Place of Meetings

All meetings of the Board of Commissioners shall be held in the Board Room of the Park District Administration Building or at such other place as the Board of Commissioners may designate.

A.6. Quorum³

Four Commissioners shall constitute a quorum for the transaction of business and it shall require the affirmative vote of four Commissioners to carry any motion. In case there is no quorum present on the day fixed for the meeting, the Commissioners present, may adjourn the meeting until a quorum is obtained. The presiding Commissioners at any meeting shall be entitled to vote.

A.7. Ordinances and Reports to be in Writing

All ordinances, resolutions, notices, orders, reports and proceedings shall be in writing and shall be kept by the Secretary in the manner set forth in this Code.

A.8. Order of Business

The order of business at all meetings of the Board of Commissioners shall be as follows:

- Roll call
- Approval of minutes
- Communications and Reports
- Unfinished business
- New business

A.9. Manner of Vote

The yeas and nays shall be taken upon the passage of all ordinances, resolutions or other matters requiring approval of the Board and shall be entered upon the Journal of Proceedings.

A.10. Committees⁴

a. Authority to Empanel and Discharge Standing Committees⁵

The President may, at any time, suspend the use of Standing Committees. This decision is solely within the President's discretion and shall remain in force until

³ Amended 12-27-1963; 1-24-1989; ~~71~~-21-1998

⁴ Amended 6-25-1985; 5-10-2000

⁵ Amended 3/12/2014

the President elects to reinstate the Standing Committees or a new President is appointed.

b. Jurisdiction of Committees

The jurisdiction of each standing committee shall be as follows:

- (1) The Committee on Administration shall have jurisdiction over the following matters:
 - (a) conduct of all legal matters of the Park District;
 - (b) legislation of federal, state and local governmental units in which the Park District may have an interest;
 - (c) general policies (other than matters committed by law to the exclusive jurisdiction of the Personnel Board) governing hiring, promotion, classification, evaluation, assignment, discipline, and compensation of Park District Employees, including the holding of confirmation hearings on appointees of the General Superintendent;
 - (d) health, safety and welfare of the Park District Employees and the general public, including all ordinances, rules, resolutions, and regulations relating thereto;
 - (e) collective bargaining agreements and other labor policy issues;
 - (f) business administration, budgetary preparation and control, tax levy and expenditures, financial accounting, audits and records, collection, investment and safekeeping of Park District funds, and issuance and payment of all tax anticipation warrants, notes, bonds and obligations of the Park District;
 - (g) relations of the Park District with other government agencies; and
 - (h) purchase of all materials, equipment, services, and supplies except as specified in Paragraph b, (2) (e), *infra*.
- (2) The Committee on Capital Improvements shall have jurisdiction over the following matters:
 - (a) construction, maintenance, and repair work within the Park District;
 - (b) development of long-range or medium-range plans for the Park

- District's facilities, including monuments and landmarks;
- (c) proposed sale, lease, transfer, or acquisition of land by the Park District;
 - (d) expenditure of funds for capital improvements, land acquisition, landscape improvements; and
 - (e) purchase of capital equipment, services and supplies for capital improvements, facility repair and maintenance, and landscaping.
- (3) The Committee on Programs and Recreation shall have jurisdiction over all matters relating to:
- (a) administrative, organization, planning, development and supervision of all recreational and cultural activities;
 - (b) relations of the Park District with citizens, community groups and advisory councils;
 - (c) procedure and the issuance of permits for use of Park District facilities;
 - (d) ordinances, rules and regulations governing the use of the parks and harbors;
 - (e) relations with and approval of expenditures for institutions that operate on the Park District's property including, but not limited to museums, and the Lincoln Park Zoological Society;
 - (f) awarding of concessions for the conduct of business activities in the parks and harbors for the benefit of the public;
 - (g) naming of all Park District parks, playgrounds and facilities;
 - (h) marketing and public relations activities.

c. Appointment of Committee Members ⁶

At the annual meeting of the Board of Commissioners, or as soon thereafter as practicable, the President shall appoint the members of all Standing Committees and shall appoint a chairman and vice-chairman of each committee from among its members. All members of Standing Committees shall serve until the next annual meeting of the Board or until their successors are duly appointed, whichever is later.

⁶ Amended 12-28-1948; 6-25-1985; 1-24-1989

Members of Standing Committees may be removed prior to expiration of their terms by vote of the Board of Commissioners.

d. President and General Superintendent

The President shall be a voting member of all Standing Committees. The General Superintendent shall be an ex officio member (without vote) on all Standing Committees.

e. Special Committees

The President may, at any time, create special committees as necessity may require, appoint the members thereof and specify their terms, which shall be no more than one year. The President may dissolve special committees at such time as ~~he or she~~they determines they are no longer needed.

f. Referrals and Reports

Matters sent to the Board of Commissioners by the General Superintendent and subject to the jurisdiction of the standing committees, as stated herein, shall be referred directly to the appropriate standing committee by the Secretary upon receipt or, at the request of the General Superintendent, shall be referred directly to the Board. The General Superintendent shall refer other matters to the appropriate committee. Committees shall report with recommendations for action to the Board of Commissioners, orally or in writing at a public meeting of the Board on each matter referred.

g. Quorum ⁷

Three members of any standing committee shall constitute a quorum for the transaction of any business and it shall require the affirmative vote of a majority of the standing committee to carry any motion. In case there is no quorum of a standing committee present on the day fixed for the meeting, the members may adjourn the meeting until a quorum is obtained.

A.11. Rules of Order

Roberts Rules of Order shall govern in questions of procedure in all cases not provided herein to the contrary.

⁷ Amended 5-10-2000
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A.12. Approval of Indemnity Bonds⁸

No bond of indemnity running to the Park District and requiring the approval of the Board of Commissioners shall be approved until the General Counsel or Counsel designated by the General Counsel shall have certified thereon that said bond is properly executed as to the form and the Treasurer shall have certified thereon that the sureties on such bond are of sufficient financial responsibility for the amount of the penalty of the bonds.

A.13. Powers and Duties

The Board of Commissioners shall prescribe the powers and duties of all Officers of the Park District.

A.14. Compensation; Reimbursement⁹

- a. Pursuant to the Park Act, the Commissioners shall receive no compensation for the services they render in the course of their duties.
- b. The Park District shall reimburse the Commissioners for reasonable expenses necessarily incurred in the performance of their duties as Commissioners. Such reimbursement shall be limited to actual expenses incurred in the course of carrying out work that is assigned by the Board of Commissioners or that is necessarily performed in complying with duties imposed by law on the Commissioners.

A.15. Policy for Remote Attendance to Meetings

a. Policy Statement.

It is the policy of the Park District that any member of its Board may attend and participate in any open or closed meeting of the Board from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws, including the Open Meetings Act, 5 ILCS 120/1 et seq. (the “Open Meetings Act”).

b. Prerequisites.¹⁰

A member of the Board may attend a meeting from a remote location if a quorum is physically present throughout the meeting, a majority of a quorum of the Board votes to approve the remote attendance, and the member meets the following conditions:

⁸ Amended 5-11-1948; 8-27-1957; 12-27-1963; 1-24-1989

⁹ Amended 5-9-1988; 1-24-1989

¹⁰ Proposed amendment introduced 01-24-24

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- (1) The member should notify the Secretary at least 24 hours before the meeting so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
- (2) The member must assert one of the following ~~three~~ reasons why ~~he or she~~they is/are unable to physically attend the meeting:
 - (a) The member cannot attend because of personal illness or disability; or
 - (b) The member cannot attend because of employment purposes or the business of the Park District; ~~or~~
 - (c) The member cannot attend because of a family or other emergency;~~;~~
 - (d) The member cannot attend because of unexpected childcare obligations; or
 - (e) As otherwise authorized by the Open Meetings Act, 5 ILCS 120/1 et seq., as amended from time to time.

c. Voting Procedures.

After a roll call establishing that a quorum is physically present, any member present may move that a member be permitted to participate remotely, specifying the reason entitling the absent member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. The motion must be approved by a vote of a majority of the quorum.

d. Adequate Equipment Required.

The member participating remotely and other members of the Board must be able to communicate effectively, and members of the audience must be able to hear all communications. Before approving remote attendance at any meeting, the Board shall provide equipment adequate to accomplish this objective.

e. Minutes.

Any member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting if the member is allowed to participate. The meeting minutes shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

f. Rights of Remote Member.

A member permitted to participate remotely will be able to express ~~his or her~~their comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote member shall be called during any vote taken, and ~~his or her~~their vote counted and recorded by the Secretary and placed in the minutes for the corresponding meeting. A member participating remotely may leave a meeting and return as in the case of any member.

g. Meetings.

The term meeting as used herein refers to any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purposes of discussing public business.

h. Closed Meetings.

A quorum of the Board must be physically present at any closed meeting. Members participating remotely shall otherwise be entitled to participate in closed meetings by video or audio conference, in the same manner as at an open meeting.

i. Committees, Boards and Commissions.

This policy shall apply to all committees, boards and commissions established by authority of the Board. However, when remote attendance is possible only by audio connection, and an off- site member will be unable to view visual exhibits or demonstrations which may influence a decision by the committee, board or commission, remote attendance should not be approved.

A.16. Policy Regarding Verbatim Records of Closed Meetings ¹¹

- a.** A verbatim record of all closed meetings of the Park District shall be kept in the form of an audio recording. The Park District shall provide the recording device and only one recording device will be allowed. Individuals shall not be allowed to bring their own recording device to closed meetings.
- b.** The General Counsel of the Park District, or ~~his or her~~their designee if the General Counsel is unavailable, will be responsible for operating the recording device for all closed meetings of the Board and for all closed meetings of each committee of the Board.

¹¹ Added 12-10-2008
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- c. The Secretary shall maintain the audio in a safe and secure location under lock and key. Access to non-released tapes shall be limited to the Board of Commissioners, the General Counsel, and the General Superintendent of the Park District, unless otherwise directed in writing by the Board. Individuals allowed access shall sign a log indicating the date and time they listened to a particular tape. Individuals allowed access shall listen to a tape only under supervision. No copies of any non-released tape shall be made.
- d. The verbatim record of a closed meeting may be destroyed eighteen (18) months after the completion of the meeting if the Board approves the destruction of the particular recording and if it approves written minutes for the particular closed meeting that contained the following, as required by Section 2.06 of the Open Meetings Act:
 - (1) the date, time, and place of the meeting;
 - (2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
 - (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
- e. The Secretary shall, on a periodic basis, but not less frequently than quarterly, inspect the recordings to check their quality completeness, and report on any problems to the Board.
- f. The Board shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in open session that:
 - (1) the need for confidentiality still exists as to all or part of those minutes; or
 - (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection.
- g. Unless the Board has determined that a recording no longer requires confidential treatment, or otherwise contents to disclosure, the verbatim recordings of closed meetings pursuant to Paragraph a of this Section 16 shall not either open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce the provisions of the Open Meetings Act. In a civil action brought to enforce the provision of the Open Meetings Act, a recording will be made available to the court for *in camera* examination for the purpose of determining whether a violation of the Open Meetings Act exists. In the case of a criminal proceeding, a recording will be made available to the court for in camera

examination for the purpose of determining what portion, if any, must be made available to the parties for use as evidence in prosecution.

- h.** Minutes of closed meetings shall be available only after the Board determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

Section B. - Board Officers

B.1. Election of President and Vice-President

At the annual meeting of the Board of Commissioners, each year the Board of Commissioners shall choose from among their members a president and a vice-president each to serve for a term of one year and until their successors are chosen and qualified.

B.2. Powers and Appointment ¹²

The President may appoint a confidential clerk and may employ such technical or professional consultant or aides as may be necessary to properly conduct the duties of the office. The President shall preside at all meetings of the Board and have the same power to vote as any member thereof. The President shall not have the power of veto. The President shall discharge such other powers and duties of the office as may be directed by the Board of Commissioners, the ordinances of the Park District or the laws of the State.

B.3. Signature of President ¹³

The President or, in ~~his/her~~their absence or disability, the Vice-President shall for and on behalf of the Park District sign all bonds issued by the Park District and all warrants drawn against and in anticipation of taxes; provided, however, that said signatures may be executed with a facsimile signature in compliance with the current provisions of the "Uniform Facsimile Signature of Public Officials Act. " At least one signature required or permitted to be placed thereon shall be manually subscribed.

B.4. Vice-President ¹⁴

In case of the death, resignation, absence from the City of Chicago, or other disability of the President, the powers and duties of the office of President, until ~~his/her~~their successor shall be chosen or until the disability shall be removed, shall devolve on the Vice-President. The Vice-President shall have such other duties as may be imposed on him/her by ordinance or by law.

¹² Amended 1-21-1998

¹³ Amended 12-30-1946; 5-9-1967; 5-10-2000

¹⁴ Amended 12-12-1944

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Section C. - Other Officers and Employees

C.1. Office of General Superintendent and Appointment of General Superintendent ¹⁵

The office of General Superintendent, which was established by the Park Act, shall have the powers, duties and responsibilities as set forth in this Code. The Board of Commissioners shall appoint, otherwise than from among the Commissioners, a General Superintendent who shall serve at their pleasure.

C.2. Powers and Duties of General Superintendent ¹⁶

The General Superintendent shall be the chief executive officer of the Park District and the duties and responsibilities of ~~his/her~~their office shall be as follows:

- a. -supervise the construction, improvement, maintenance, repair and operation of all properties of the Park District;
- b. administer and operate all facilities of the Park District in such manner as will provide the maximum recreation and pleasure to the people, consistent with public safety;
- c. supervise all departments, divisions and offices of the Park District;
- d. supervise programs for informing the public of park activities;
- e. enforce the ordinances of the Park District where an ordinance fails to specify who shall be charged with the duty of enforcement;
- f. develop and administer general measures for the welfare of Park District Employees and their families;
- g. supervise the conduct of all Officers of the Park District and, as to all who are exempt from the provisions of the Personnel Code, the General Superintendent shall examine the grounds of all reasonable complaints made against any of them and cause their violations of duty or other offenses, if any, to be dealt with accordingly;
- h. prepare for the Board of Commissioners such specifications and other documents and data as may be required when bids and proposals to do work or to furnish goods and supplies are invited; and such bids and proposals, when received, shall be referred to him/her for tabulation and report;

¹⁵ Amended 03-22-1990; 1-21-1998

¹⁶ Amended 6-9-1942; 7-11-1944; 10-30-1946; 12-20-1990; 1-21-1998

- i. exercise personally or by written delegation any powers, duties or responsibilities conferred upon the General Superintendent in any Park District contract or other instrument, ordinance or resolution executed or adopted on or before or after the date of enactment of this section;
- j. execute all public improvements commenced by the Park District, including the designing of buildings, bridges, pavements, utilities, electric light and power installation, landscaped areas and all other engineering work of civil, structural, architectural, marine, landscape, mechanical or electrical nature;
- k. prepare all records relating to engineering work;
- l. approve plans, specifications and estimates of construction, maintenance and repair work;
- m. supervise all construction work performed by contract or otherwise;
- n. make special studies of engineering problems and prepare on the basis thereof, reports and recommendations;
- o. supervise engineering construction, landscape maintenance and repair work;
- p. exercise such power to purchase and enter into contracts as provided in this Code; and
- q. perform such other duties and responsibilities as required by law or ordinance and be subject to such other rules and regulations as the Board of Commissioners may from time to time prescribe.

C.3. Bond of General Superintendent¹⁷

The General Superintendent, before entering upon the duties of ~~his/her~~their office, shall execute a bond payable to the Park District in the penal sum of \$50,000.00 with good and sufficient sureties to be approved by the Board of Commissioners conditioned for the faithful performance of the duties of ~~his/her~~their office and the payment of all monies received by him/her; provided, however, that the Board may at any time by resolution require that such bond be in a larger penal sum.

C.4. Appointment of Officers and Employees¹⁸

a. The following Officers of the Park District shall be appointed by vote of the Board of Commissioners: The General Superintendent, the Secretary, the Treasurer, the General Counsel, and the Director of Human Resources.

¹⁷ Amended 6-9-1942; 5-28-1991

¹⁸ Amended 1-28-2009

- b. When an appointment other than those listed in this chapter, Section C.4.a, above, is made pursuant to the Personnel Code and the Rules of the Personnel Board, the appointment shall be made as follows:

- (1) to positions in the office of the Commissioners, by the President;
- (2) to positions in the office of the General Superintendent, by the General Superintendent or ~~his/her~~their designee; and
- (1) to positions in an office, department or division, by the General Superintendent or designee.

C.5. Removal of Officers and Employees

- a. Those Officers of the Park District appointed by the Board of Commissioners pursuant to this chapter, Section C.4.a., above, of this Code may be removed only by vote of the Board of Commissioners.
- b. Those Officers and Employees who are in a position in the classified career service of the Park District may be removed only pursuant to the Rules of the Personnel Board and the Personnel Code. Charges seeking the removal of any such Employee may be filed by the General Superintendent or designee or by the head of the office, department or division in which said Employee is employed.
- c. Career service exempt and probationary Employees may be removed as follows:
- (1) Employees appointed by the President may be removed by the President;
 - (2) Officers and Employees appointed by the General Superintendent or designee, whether with or without the advice and consent of the Board, may be removed by the General Superintendent or designee; and
 - (3) Officers and Employees appointed by the head of an office or department may be removed by the General Superintendent or designee.
- d. Nothing in this section shall confer any right not otherwise granted by law to an Officer or Employee to be removed only for cause.

C.6. Appointment of Director of Human Resources and Members of the Personnel Board¹⁹

In accordance with the provisions of the Park Act and the Personnel Code, the Board shall appoint a Director of Human Resources, two Commissioners

¹⁹ Amended 1-28-2009
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which shall constitute the Personnel Board of the Park District.

C.7. Appointment of Members of Pension Board

The Board shall have the power and duty of making appointments of trustees to the retirement board of the Park Employees' and Retirement Board Employees' Annuity and Benefit fund, as prescribed by law. Whenever the term of any person holding one of the appointive three trusteeships on said pension board shall expire, the Board shall appoint a successor to such person for a term of three years; and in the event that a vacancy shall occur among said appointive trustees, owing to death, resignation or other cause, the Board shall in each case fill the vacancy by an appointment for the unexpired portion of the term.

Section D. - Office of the Inspector General²⁰

D.1. Management of the Office

The Office of the Inspector General shall be managed by an individual (“Inspector General”) selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in investigation, law, management analysis, public administration, or criminal justice administration or other closely related fields.

D.2. Staffing and Resources

The Office of the Inspector General shall be managed by an Inspector General, who is appointed to a ~~four~~four-year term by a majority of the Board and who may be removed from office prior to the expiration of ~~his or her~~their term only for cause by a majority of the Board. The Inspector General is responsible for managing the Office of the Inspector General, which shall include the oversight and supervision of assistants, investigators and other employees of the Office. Said assistants, investigators and other individuals shall be employees or contractors of the District, hired in conformance with the provisions generally applicable to District employees or contractors, and/or other personnel as detailed from other agencies. Political considerations may play no role in the hiring, retention or dismissal of said employees or contractors. The Inspector General may submit evaluations of the employees and may recommend that individual employees under ~~his or her~~their oversight be promoted, removed, disciplined or re-assigned or may recommend that amendment or termination of Office contracts, as deemed necessary for the efficient administration of the Office.

In order to ensure that the Office of the Inspector General has sufficient resources to its responsibilities and functions, the Board shall ensure that the Office has an annual budget sufficient to meet the needs of the Office, in terms of both employees and resources. The Inspector General shall establish the organization structure appropriate to carrying out the responsibilities and functions of the Office.

D.3. Reporting

The Inspector General shall report to the Board President. The Inspector General shall be operationally independent from the Board. The Board shall not prevent, impair or prohibit the Inspector General from initiating, carrying out or completing any investigation or review.

D.4. Powers and Duties

In addition to other powers conferred herein, the Inspector General shall have the following powers and duties:

²⁰ Added May 9, 2012

- a.** Promote economy, efficiency, effectiveness and integrity in the administrations of programs and operations of the District by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending policies and methods for the elimination of inefficiencies and waste, and for the prevention of misconduct.
- b.** Receive, register and investigate complaints and information from any source pertaining to waste, fraud, and abuse within the District; contractor, subcontractor, consultant or vendor misconduct; fraud or collusion involving District contracts and/or contractors, subcontractors, consultants, or vendors; misuse, embezzlement or theft of District resources; conflicts of interest, bribery or misconduct involving District personnel; or other unethical or illegal activities involving District property, officers, employees, Board members, agents, contractors, subcontractors, consultants, vendor or volunteers.
- c.** Request and receive information related to an investigation from officers, employees, Board members, agents, and contractors of the District and conduct interviews.
- d.** Investigate and review the conduct and performance of the District's officers, employees, Board members, agents and contractors, review the District's policies, procedures, functions and programs, either in response to a complaint or on the Inspector General's own initiative, in order to detect and prevent waste, fraud, abuse or misconduct, and promote efficiencies within the programs and operations of the District.
- e.** Receive, register and investigate complaints and information from any source pertaining to allegations of political discrimination.²¹
- f.** Monitor, audit and review employment actions under the Employment Plan and related policies and procedures.²²
- g.** Request that the Personnel Board issues subpoenas to compel the attendance of witnesses for purposes of examination and production of documents and other items for inspection and/or duplication; the Personnel Board is hereby directed by the Board, pursuant to the authority vested in it under the Act, to issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication when requested by the Inspector General.
- h.** Report to the Board and General Superintendent concerning results of investigations undertaken by the Office of Inspector General; and

²¹ Added 3/11/2015

²² Added 3/11/2015

- i. Request that the Board conduct public hearing in furtherance of an investigation hereunder.

D.5. Scope

The powers and duties of the Inspector General shall extend, except otherwise limited in this Section, to the conduct of the following:

- a. All officers of the District in the performance of their official duties;
- b. All employees of the District in the performance of their duties;
- c. Members of the Board;
- d. All agents acting on behalf of the District; and
- e. All contractors, subcontractors and vendors providing, or seeking to provide goods or services to the District pursuant to a contract with the District.
- f. All District volunteers.

If the Office of Inspector General receives a report of an allegation pertaining to the President, the Inspector General will immediately confer with the Ethics Officer (or in case of conflict or in the absence of the Ethics Officer, the General Counsel) in order to engage an independent person to conduct the investigation.

D.6. Duties of Employees, Board Members, Agents and Contractors ²³

- a. It shall be the duty of every employee, Board member, agent, and contractor of the District to report any fraud, mismanagement, waste of funds or resources, abuse of authority, conflicts of interest, ethical violations or other improper act by another involving the District business or assets to the Office of the Inspector General or to appropriate law enforcement personnel. Any employee found to have knowledge of such acts and who does not report them as required herein shall be subject to discipline, up to and including termination.
- b. It shall be the duty of every employee, Board member, agent, and contractor of the District to cooperate fully and expeditiously with the Inspector General in any investigation, audit or review and to follow any reasonable recommendations proposed by the OIG to remedy any waste, fraud, misconduct or misuse of District resources, unless otherwise prohibited by law or by collective bargaining rights.²⁴

²³ Amended 11/14/2012

²⁴ Amended 3/11/2015

D.7. Reporting Results of Investigations or Reviews ²⁵

Upon conclusion of an investigation or review, the Inspector General shall issue a summary report thereon which copy shall be provided to the Board President and to the General Superintendent. ~~The report shall not mention the name of any informant, complainant, witness or person investigated or reviewed, unless otherwise authorized by the Board President. The Inspector General may redact (a) the personal identifying information of any informant, complainant, witness or person investigated or (b) other information, if such personal or other information may reveal or undermine an ongoing investigation or is not essential to the report's findings.~~

The report shall include the following:

- a. A description of any complaints or other information received by the Inspector General pertinent to the investigation;
- b. A description of any misconduct, inefficiency or waste observed in the course of the investigation;
- c. A description of any non-compliance with the Employment plan or related policies and procedures;²⁶
- d. Recommendations for correction of any misconduct, inefficiency or waste described in the report; and
- e. Such other information as the Inspector General may deem relevant to the investigation or review and any resulting recommendations.

If the Inspector General issues a recommendation for discipline or other administrative action in a summary report, the General Superintendent or their designee must respond to that recommendation within 30 days with a written response to the Inspector General. This response must include either (1) a description of any disciplinary or administrative action the General Superintendent has taken with respect to the employee in question or (2) a request to the Inspector General for a 30-day extension of the response period if additional time is needed by the General Superintendent to review and respond to the recommendation. If the General Superintendent does not take any disciplinary or administrative action, or takes a different disciplinary or administrative action than that recommended by the Inspector General, the General Superintendent must describe the action taken and explain the reasoning in the written response.

D.8. Prohibition on Retaliation

No person shall retaliate against, punish or penalize any other person for complaining to,

²⁵ Proposed amendment introduced 01-24-24

²⁶ Added 3/11/15

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cooperating with or assisting the Inspector General in the performance of ~~his or her~~their office.

D.9. Quarterly Report

No later than the fifteenth day of January, April, July and October of each year, the Inspector General shall file with the Board a quarterly report, accurate as of the last day of the preceding month, indicating the number of investigations, audits and reviews initiated since the date of the last quarterly report, the number of investigations, audits, and reviews concluded since the last quarterly report, accurate as of the last of the preceding month, indicating the number of investigations, audits and reviews initiated since the date of the last quarterly report, the number of investigations, audits and reviews concluded since the last quarterly report and the number of investigations, audits and reviews pending as of the reporting date. The quarterly report shall also include the number of investigations, audits and reviews of the conduct of officers, the number of investigations, audits and reviews of the conduct of agents of the District. The quarterly report shall identify any investigation, audit or review which has not been completed within six months, and shall state the reasons for failure to complete the investigation, audit or review within six months. The quarterly report shall include the number of investigations, audits and reviews involving alleged waste or inefficiency. Each quarterly report will be publicly posted after it has been filed with the Board.²⁷

D.10. Annual Report

No later than the first date of February of each year, the Inspector General shall file with the Board an annual report, accurate as of the last day of the preceding calendar year, providing a consolidated version of all information provided in that year's quarterly reports, a consolidated version of that year's summary reports, and description of any actual or potential waste, fraud, and abuse within the District, recommendations to the Board of policies and methods for the elimination or prevention of such waste, fraud, and abuse, and any additional information which the Inspector deems appropriate. Each annual report will be publicly posted after it has been filed with the Board.

D.11. Confidentiality

All files and reports of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency, except (a) to appropriate federal, state or local law enforcement authority, (b) as otherwise provided in this Ordinance, (c) as otherwise authorized by the Board, or (d) as otherwise required by law. The Inspector General is authorized to issue public statements concerning an investigation that exonerates an individual who is publicly known to have been under investigation where the subject requests such a statement.

²⁷ Amended 3/11/15

D.12. Effective Date

This Ordinance shall be in full force and effect from and after its passage.