

81-O-16
AN ORDINANCE

**Amending Portions of the City Code Creating a
“Parks, Recreation and Community Services Board”**

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Legislative Statement. This Ordinance consolidates the Parks and Recreation Board with the Citizen’s Advisory Committee on Public Place Names to more effectively and efficiently utilize the City’s resources. The City of Evanston has a Parks and Recreation Board whose primary function is to provide direction for the planning, design, and maintenance of all playgrounds, parks, recreational facilities, and open spaces owned, leased, or operated by the City; and a Citizen’s Advisory Committee on Public Place Names to recommend appropriate names for public places. The City Council determines that it is in the best interest of the City to combine the Parks and Recreation Board with the Citizen’s Advisory Committee on Public Place Names into a Parks, Recreation and Community Services Board.

Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164). Pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City’s home rule powers. At meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et*

seq.), the City Council considered this Ordinance, heard public comment, and made findings. It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747(1991)) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (1995)).

The City Council finds that creating a more efficient and effective local government by reducing the number of boards and commissions while maintaining high standards are a priority within the City of Evanston. The City Council desires to amend the City Code to combine the functions of the Parks and Recreation Board with the Citizen's Advisory Committee on Public Place Names into a newly established Parks, Recreation, and Community Services Board.

SECTION 2: Title 7, Chapter 9 of the Evanston City Code of 2012, as amended ("City Code"), is hereby deleted in its entirety and shall read as follows:

CHAPTER 9 - PARKS, RECREATION AND COMMUNITY SERVICES BOARD

7-9-1: PURPOSE.

In accordance with 65 ILCS 5/11-95-2 and pursuant to its powers as a home rule unit of government, the City of Evanston hereby establishes the Parks, Recreation and Community Services Board ("Board"). The Board maintains, equips, and operates the City's playgrounds and recreations centers and the buildings thereon, pursuant to 65 ILCS 5/11-95-2. The Board also recommends appropriate names for public places and implements the Honorary Street Name Sign Program.

7-9-2: MEMBERSHIP.

The Board consists of nine (9) members who serve without compensation and are residents of the City of Evanston.

7-9-3: TERM.

Board members are appointed to five (5) year terms by the Mayor with the advice and consent of the City Council.

7-9-4: POWERS AND DUTIES.

In carrying out its responsibilities, the Board must:

- (A) Perform the duties prescribed by 65 ILCS 5/11-95-1 et seq., as amended. Specifically, the Board must:
 - 1. Provide direction for the planning, design and maintenance of all playgrounds, parks, recreational facilities, and open spaces owned and/or leased by the City of Evanston; and
 - 2. Provide direction for the development, supervision, and operation of all recreational programs and activities operated by the City of Evanston and/or its authorized affiliates;
- (B) Act in an advisory capacity to the City Council on the request for public place names, in accordance with the following standards:
 - 1. The close association of the individual proposed with Evanston;
 - 2. A distinguished career in which high service has been rendered to or distinction brought to Evanston;
 - 3. A reasonable relationship between the importance of the place being named and the distinction of the person whose name it will bear;
 - 4. The condition imposed by the donor of lands or funds to be used in the public place; and
 - 5. No public place should be named after individuals deceased less than five years except where a donation of land is made or an individual donor has contributed significantly for development of the public place;
- (C) Act in an advisory capacity to the City Council on the request to establish an honorary street name; and
- (D) Create subcommittees, as necessary, in furtherance of the Board's purpose.

7-9-5: RULES AND REGULATIONS; SELECTION OF A CHAIRPERSON.

- (A) The Board is empowered to adopt regulations, after making a written determination that the welfare of the parks or the public requires such regulations, concerning the safe and proper use of property and facilities used by the general public under the control of the Board;
- (B) The Board is authorized and empowered to adopt regulations pertaining to the use of the parks, beaches and water adjacent to such parks and beaches, particularly the activities of fishing, waterskiing, swimming, sledding, skiing, skating and all other lawful activities conducted upon such premises, and the consumption of food and beverages, and the use of any such facility in a manner contrary to its intended use or in such a manner as to constitute a danger to any person using such facility. Said rules and regulations shall not conflict with those regulations set forth in Chapters 10 and 11 of this Title;
- (C) Rules and regulations so adopted shall be transmitted in writing to the City Council on a Monday, no less than forty-five (45) days prior to their proposed effective date. The City Council may consider, reject or refer such proposed

regulations back to the Board within such period. Failure so to do within twenty-one (21) days is deemed an approval. No such rule or regulation must become effective until ten (10) days after it has been published in the manner provided for by ordinances, and notice of such regulation shall have been posted in the area affected.

- (D) The Board must cause the posting of notice of regulations in those areas in which such regulations are in force and effect.
- (E) Every person who violates a properly adopted and posted regulation of the Board is guilty of an offense punishable by a fine in an amount not to exceed seven hundred fifty dollars (\$750.00).
- (F) The Board must annually elect a Chairperson from among its members.
- (G) The Board may also adopt additional rules and regulations necessary to exercise its responsibilities.

7-9-6: AUTHORITY TO ENFORCE.

The City Manager and his/her designees are authorized to enforce regulations of the Board in accordance with the provisions of this Chapter.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect on January 1, 2017.


SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: July 11, 2016

Adopted: July 25, 2016


Approved:

August 1, 2016




Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


W. Grant Farrar, Corporation Counsel