

**OFFICIAL PROCEEDINGS OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE PLEASURE DRIVEWAY AND PARK DISTRICT OF PEORIA, ILLINOIS, HELD AT 6:30 P.M. ON WEDNESDAY, OCTOBER 2, 2024 HELD AT THE BONNIE NOBLE ADMINISTRATION BUILDING, 1125 WEST LAKE AVENUE, PEORIA, IL**

**TRUSTEES PRESENT:** Trustees Timothy Bertschy, Laurie Covington, Joyce Harant, Reagan Leslie Hill, Steve Montez, Vice President Alexander Sierra, and President Robert Johnson

**TRUSTEES ABSENT:** None

**STAFF PRESENT:** Executive Director Emily Cahill, Scott Loftus, Matt Freeman, Becky Fredrickson, Cody Haines, Tammy Johnson, Shalessie Pie, Karrie Ross, Brianna Cobb, Attorney William Streeter, Attorney Kevin Day, Chief Todd Green, Kristi Shoemaker, Mike Friberg, Miles Howley, and Alicia Woodworth.

**1. CALL TO ORDER**

President Robert Johnson presided and called the meeting to order at 6:42 pm.

**2. ROLL CALL**

**3. CALL FOR MOTION TO PERMIT TRUSTEE TO ATTEND MEETING ELECTRONICALLY**

No Trustees requested to attend the meeting electronically.

**4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**5. MINUTES**

**5.A. Approval of Minutes of September 11, 2024 Regular Board Meeting**

Trustee Bertschy MOVED TO APPROVE the September 11, 2024 Regular Board meeting minutes. Motion seconded by Trustee Covington and carried on the following roll call vote: Trustees Bertschy - Aye, Covington - Aye, Harant - Aye, Hill - Aye, Montez - Abstain, Vice President Sierra - Aye, and President Johnson - Aye. (Results: 6 Ayes; 1 Abstain; 0 Nays).

**6. STAFF REPORTS**

**6.A. Executive Director**

Executive Director Cahill reminded everyone about the upcoming ZooTober events at the Peoria Zoo the month of October. Park District staff have been hard at work decorating and preparing the Zoo. The Zoo is closed through tomorrow to allow for the complete reimagination of some of the spaces and will reopen Friday, October 4. In addition, a trick-or-treat bag is placed at each Trustees' place, provided as courtesy of the HISRA Focus program. One of Focus' tasks has been to make different products to sell. They've been at several PPD events and spaces, selling their products.

Vice President Sierra stated that he has questions for Executive Director Cahill, and that he spoke to her and a few trustees. Some may be aware that there was an activity that had taken place over the weekend at Detweiller Park and that he has now had the opportunity to have several conversations individually, but he wants to take this time to not only revisit those conversations but also get some further clarity as to what occurred at Detweiller Park and also what led up to the event.

Vice President Sierra stated that he has questions for Executive Director Cahill and that he spoke to her and a few trustees. He expressed concerns over a politically sensitive event at Detweiller Park that caused public outcry. The event was tied to a shelter rental by the Peoria GOP, which organized participants at the park before relocating to another venue. The controversy centered on whether this activity was consistent with park district policy, which requires Board approval for public events like fundraisers, political gatherings, and parades.

Executive Director Emily Cahill explained that the shelter rental was processed under standard procedures and that the event was understood to be private and transitional, with no public programming at the park itself. She admitted this was her assessment, based on past practice and consultations with legal counsel, and emphasized that the organizers left the park for their rally elsewhere. Some trustees, including Trustee Hill and Trustee Sierra, argued this interpretation failed to align with the policy, which clearly defines public events requiring Board oversight. Several trustees expressed frustration over the lack of Board involvement in the decision. Trustee Bertschy highlighted the importance of receiving information in advance to make informed decisions. Trustee Hill contended that the event met several criteria outlined in the policy, such as fundraising and the initiation of a parade, which should have triggered Board review. President Johnson defended the staff's interpretation, emphasizing the need for consistency and cautioning against bias in regulating park use.

Attorney Day clarified the legal framework, stating that policies must remain content-neutral to avoid violating First Amendment protections. He suggested that the Board could implement clearer definitions and criteria to address similar issues in the future while maintaining constitutional compliance. The ambiguity in terms like "public event," "parade," and "fundraiser" was identified as a key challenge in policy enforcement.

To prevent future misunderstandings, multiple trustees proposed revising the policy to include clearer definitions and implementing a standardized process for reviewing shelter rentals tied to political or religious activities. Suggestions included requiring applicants to specify the nature of their event, which would determine whether Board approval is needed. Additionally, Vice President Sierra and Trustee Hill recommended issuing a public statement and refunding the rental fee to the event organizers as a gesture of goodwill.

The Board acknowledged the heightened sensitivity surrounding political events and the need for balanced governance. Executive Director Cahill apologized for her oversight and committed to bringing all future events with potential political or public implications to the Board for review. The discussion concluded with consensus on refining the policy to ensure clarity, fairness, and consistency, avoiding similar controversies in the future.

For a full transcript of this conversation, please see attached.

**6.B. Superintendent of Planning, Design & Construction**

Becky Fredrickson presented the September 2024 Project Report and stated that currently, there are no projects materially behind schedule. *Please see Attachment A.*

**7. COMMITTEE REPORTS**

**7.A. Planning Committee – Schmoeger Park Lease Renewal**

This item was pulled from the Planning Committee meeting agenda and therefore, will come to the Board at a future meeting for approval.

**8. NEW BUSINESS**

**8.A. Trustee Travel Meal and Lodging Expenses Policy**

Trustee Bertschy stated that this is the second reading for the board and presented for approval tonight. It establishes an expense policy. There was some confusion in the past about how our expense policy proceeded. In the past when we gave advances within the allowed limits by government, some people thought expense statements with receipts should be included to show that the money was spent for that purpose. Others thought it wasn't clear. The determination that was made was that it was not as clear as it might be. As such, the Finance Committee worked on preparing a series of modifications to our expense policy. It now will require receipts in all circumstances. How we'll deal with past situations where expense receipts were not turned in by trustees, is we'll ask those trustees to sign an affidavit which indicates that they are attesting on under the oath of that affidavit, that the money that they received as an advance, was spent in fact for the purposes of the conference which it was intended for. We have been advised by legal counsel that that policy meets legal muster for dealing with past circumstances. As such, we'll ask the trustees who are involved to sign those affidavits if this policy passes. With that,

Trustee Bertschy MOVED TO APPROVE the Proposed Travel Expense Reimbursement Policy Effective at the conclusion of This Meeting. Motion seconded by Trustee Hill and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**8.B. Settlement Agreement – Solar**

Becky Fredrickson stated that in n 2019 the Park District entered into a Power Purchase Agreement with Hawk-Attollo for the installation of solar panels on four Park District buildings (RiverPlex, Noble Center, Owens, & Lakeview Rec). The solar panels are owned and maintained by Hawk-Attollo, and the Park District purchases power from Hawk-Attollo for those facilities at a reduced negotiated rate, based on the energy produced.

During installation, the meters were installed incorrectly on the RiverPlex and Noble Center, resulting in overpayments and missed benefits to the Park District. Once the errors were discovered, the contractors performed corrective action and then a third-party electrical contractor involved in solar installations was brought in, reviewed, and verified that each system, including the other two (Owens and Lakeview Rec) were functioning correctly. Once reviews of the systems were complete, Clifton, Larson, Allen was brought in to review payments and verify all overpayments and missed benefits from December 2020 thru February 2022. As such, staff recommends approving the settlement agreement with Haw-Attollo.

Trustee Harant MOVED TO APPROVE the Solar Settlement Agreement. Motion seconded by Trustee Montez and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

### **8.C. Learning Management System (LMS) Agreement**

Brianna Cobb stated that as the District strives for excellence in our mission to provide high-quality recreational programs and services, we believe it is essential that we continue to invest in our most valuable resource – our employees. There are numerous benefits to a well-trained, compliant, and socially aware workforce, which is crucial to maintaining a safe and accountable environment, which ultimately benefits our organizational culture and the community we serve.

As such, we believe the District needs an organization-wide learning management system (LMS). An LMS will not only streamline our current training procedures, all of which is manually tracked through multiple paper and spreadsheet systems, but also provide a platform for professional development, knowledge sharing, skill building, and employee growth.

Staff conducted research and reviewed industry trends and practices, relative to LMS products, and found that Paycom's robust LMS module would fulfill the District's current needs, with potential to fulfill future LMS goals. Further, given that 96% of employees are already logging in and engaging with the Paycom system beyond merely clocking in at a communal time clock, we believe leveraging Paycom LMS will create a more understandable and efficient employee user experience.

Cody Haines, Environmental Health & Safety Manager, stated that certain certifications are a requirement noted in many Park District job descriptions. With the new LMS system, an employee will not only be able to see those required certifications online, but they will be able to post their own training and certifications and information. For example, many crew members are required to have a CDL drivers license. With the LMS system, that information can be uploaded and a manager can see that they have their CDL license to determine whether they can drive a particular vehicle. This also applies to first aid and CPR certifications, where they can be loaded into the system. Basically, an employee can upload any type of certification they have attached to their name. Anything that has to do with OSHA compliance, EPA compliance, Park District compliance, etc. can be uploaded by or for an employee.

Staff recommends implementing Paycom's Learning Management System (LMS), with an initial \$12,000 implementation expense in the fiscal year 2024 and an ongoing cost of \$3.67 per check (estimate of \$50,000-\$55,00/year) that will be launched in the fiscal year 2025. The 2024 General Administration budget has the capacity to support the implementation expense, and the ongoing LMS cost will be included in the 2025 budget. Expanding the District's utilization of Paycom to include LMS does not necessitate any changes to the underlying 2023 board-approved Paycom Agreement and General Terms and Conditions. For reference, attached is the quote for the LMS implementation and ongoing costs and Paycom's 2023 annual 10-K filing with the Securities and Exchange Commission.

Trustee Bertschy MOVED TO APPROVE the Learning Management (LMS) Agreement. Motion seconded by Vice President Sierra and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

### **8.D. Post-Travel Review/Approval - Peoria Zoo Staff Travel to the 2024 AZA Conference in Calgary, Alberta, Canada**

Executive Director Cahill stated that by policy, staff travel must be approved by the Board when actual expenses exceed the projections provided in a pre-travel form submission. Zoo staff travelled to Calgary, Canada for the Association of Zoos and Aquariums conference in mid-September and due to the conversion rate from American to Canadian dollars, their pre-travel estimates were lower than their actual expenses. Further, Steve Hausler's hotel rate was charged at normal hotel rates rather than the conference rate, but he did not identify the erroneous charge until after the fact and the hotel would not modify the charge. Recommendation: Staff recommends approval of both overages and approval of the reimbursement to staffer Dawn Petefish. This conversion/reimbursement equals a total of approximately \$1,300 US Dollars.

Trustee Covington MOVED TO APPROVE the Post Travel Expenses for Peoria Zoo Staff Travel to the 2024 AZA Conference in Calgary, Alberta, Canada. Motion seconded Trustee Montez and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**9. CALENDAR OF CONSENT ITEMS**

- 9.A. Ratification of Phone Poll Dated September 24, 2024 for Quote - Noble Center Compressor Replacement (A/C)**
- 9.B. Ratification of Phone Poll Dated September 24, 2024 for Bid – Glen Oak Park Inclusive Restroom**
- 9.C. Ratification of Phone Poll Dated September 24, 2024 for Bid – Forest Park Nature Center Parking Lot**
- 9.D. Bid - Golf Learning Center Irrigation Improvements**
- 9.E. Proposal – Golf Simulators**
- 9.F. Change Order #2 – Golf Learning Center**
- 9.G. Bid – Franciscan Recreation Center Playground**

Trustee Bertschy requested items 9.B., 9.C., and 9.D. be pulled for discussion. Trustee Harant requested item 9.G. be pulled for discussion.

Trustee Bertschy MOVED TO APPROVE Calendar of Consent items 9.A. 9.E., and 9.F. Motion seconded by Trustee Harant and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

In regards to 9.B., Trustee Bertschy stated that we ask contractors and vendors to sign a Certificate of Equal Employment Opportunity Compliance for Contractors & Vendors form and staff does a great job of securing those acknowledgements and signatures. As such, do we have in place yet a policy for following up with repeat bidders to see if in fact they're carrying through on this obligation? Becky Fredrickson stated that not exactly, as the policy has only been in place for a little over a year, so it's more a mechanism of tracking which contractors have come through. Staff does keep an eye on and a report was given at the last DEIA Committee meeting where if there was anything that appeared to be of concern, highlights were brought to that committee. Trustee Bertschy stated that going forward, he hopes to have a discussion in the DEIA Committee about putting that policy in place.

In regards to item 9.C., the winning bid was roughly \$2,000 more than the other bids that were submitted. Since the Park District needs to take the lowest responsible bidder, how do we decide when there's an alternate bid that would change the positions of the two companies, who's the

lowest responsible bidder? Becky Fredrickson stated that in this case, the alternative one would have replaced some of the asphalt with concrete and based on the amount of the bid plus the alternate, we did not have enough funding in place. So based on the budget, we were only able to award base bid and not an add alternate.

In regards to item 9.D., is the Golf Learning Center irrigation work that's going to be done, will it survive the construction process? Becky Fredrickson stated yes.

In regards to item 9.G., Trustee Harant stated that this is the playground at the Franciscan Rec Center and she would like to thank staff for conducting the public survey and holding a public input session on this. West Peoria is very involved and interest in what goes on at the FRC and she was really satisfied with that public input session. The West Peoria Mayor, Council Member, and residents all came and participated in the session, providing great discussion feedback.

Trustee Harant MOVED TO APPROVE Calendar of Consent items 9.B. 9.C., 9.D., and 9.G. Motion seconded by Trustee Bertschy and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**10. PENDING BUSINESS**

None at this time.

**11. CITIZEN REQUEST TO ADDRESS THE BOARD**

None at this time.

**12. COMMUNICATIONS**

None at this time.

**13. OTHER BUSINESS**

None at this time.

**14. ACTION STEPS REVIEW**

None noted at this time.

**15. ADJOURNMENT**

At 8:16 pm Vice President Sierra MOVED TO ADJOURN. Motion seconded by Trustee Harant and carried by unanimous aye of those present.

Full discussion can be viewed at the following link: [https://www.youtube.com/watch?v=zyT2Ta\\_hzq0](https://www.youtube.com/watch?v=zyT2Ta_hzq0)

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Respectfully Submitted by Alicia Woodworth  
Executive Assistant and Board Secretary

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**TRUSTEES PRESENT:** Trustees Timothy Bertschy, Laurie Covington, Joyce Harant, Reagan Leslie Hill, Steve Montez, Vice President Alexander Sierra, and President Robert Johnson

**TRUSTEES ABSENT:** None

**STAFF PRESENT:** Executive Director Emily Cahill, Scott Loftus, Matt Freeman, Becky Fredrickson, Cody Haines, Tammy Johnson, Shalessie Pie, Karrie Ross, Brianna Cobb, Attorney William Streeter, Attorney Kevin Day, Chief Todd Green, Kristi Shoemaker, Mike Friberg, Miles Howley, and Alicia Woodworth.

**1. CALL TO ORDER**

President Robert Johnson presided and called the meeting to order at 6:42 pm.

**2. ROLL CALL**

**3. CALL FOR MOTION TO PERMIT TRUSTEE TO ATTEND MEETING ELECTRONICALLY**

No Trustees requested to attend the meeting electronically.

**4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**5. MINUTES**

**5.A. Approval of Minutes of September 11, 2024 Regular Board Meeting**

Trustee Bertschy MOVED TO APPROVE the September 11, 2024 Regular Board meeting minutes. Motion seconded by Trustee Covington and carried on the following roll call vote: Trustees Bertschy - Aye, Covington - Aye, Harant - Aye, Hill - Aye, Montez - Abstain, Vice President Sierra - Aye, and President Johnson - Aye. (Results: 6 Ayes; 1 Abstain; 0 Nays).

**6. STAFF REPORTS**

**6.A. Executive Director**

Executive Director Cahill reminded everyone about the upcoming ZooTober events at the Peoria Zoo the month of October. Park District staff have been hard at work decorating and preparing the Zoo. The Zoo is closed through tomorrow to allow for the complete reimagination of some of the spaces and will reopen Friday, October 4. In addition, a trick-or-treat bag is placed at each Trustees' place, provided as courtesy of the HISRA Focus program. One of Focus' tasks has been to make different products to sell. They've been at several PPD events and spaces, selling their products.

Vice President Sierra stated that he has questions for Executive Director Cahill, and that he spoke to her and a few trustees. Some may be aware that there was an activity that had taken place over the weekend at Detweiller Park and that he has now had the opportunity to have several conversations individually, but he wants to take this time to not only revisit those conversations but also get some further clarity as to what occurred at Detweiller Park and also what led up to the event.

Below is a transcript of the ensuing conversation:

**Vice President Sierra:**

Before I get into my questions, which I'm just going to give you a heads up, they are lengthy so bear with me. I want to really just say that first by starting off that the event at Detweiller Park was a very sensitive event and without going into the specifics as to what the event was in its totality, the gist of the event was a political activity that I had no clue was taking place and that in my time since Sunday has quite frankly, infuriated a lot of folks. So, I want to say that, noting that this is a sensitive topic, I want to encourage all of us to remove emotion from this and let's stick to the facts of the event which is where my questions are going to go. So, Emily, before I get into my questions could you explain what happened? Emily do you want to explain or would you like me to?

**Executive Director Cahill:**

Sure. So, we became aware of an event that was planned for September 29th about two weeks before that. I looked at my text messages and the first time I saw the flyer was September 15<sup>th</sup>. It was tied to a shelter rental that had been completed according to our normal process and there were no red flags when we saw the flyer that showed that the event was people were gathering at Detweiller Park. It was my understanding this was a pre-registration event where they met there, they paid their fee to participate, and then they moved their group to another location for the actual event. Chief Green and others spoke to the organizers and it was made very clear that there was no program that took place on site, so based upon the park and shelter rental definition in the policy manual, we made the determination after touching base with President Johnson and others who had raised concerns to ask if they had different feelings, that it did not qualify as that public event as defined, so we moved forward. Police monitored the situation and everything moved on to another location. I understand that they met in the Detweiller Park parking lot, got in line took their fee to participate and drove to another location. In reviewing the policy, from the Park District's perspective, it was a park or facility rental. It was not a public event based upon our understanding of what happened in the space. So, per that, that is that is not something that requires board approval because in our perspective and in reviewing what we understood was happening in that space, that was not a public event. If this is something that you all believe qualifies as that, then we need to go to the appropriate section of the policy manual and redefine what a public event is. In the process of this we did spend time talking to Attorney Streeter and Attorney day and they have talked to us about concerns tied to both First Amendment and due process, if we were to try to, as a public body, try to limit some of that opportunity or to pick and choose who you're going to let meet in parking lots and move around. They are prepared to talk to you about that if that helps at all in your process, but certainly if there is a discrepancy between the precedent that has generally happened for the Park District when it comes to park or facility rental versus your understanding of what that was, that from our purview based upon conversations with the organizer, it did not qualify as that, then we need to clarify policy and move that forward so that this doesn't happen again.

**Trustee Bertschy:**

If I could Alex, I just want to make one quick comment. I have a real problem with this if this is going to be a focal point of our meeting. I appreciate it's a very big issue. I just want to know right now, why as a trustee, I'm just hearing about this right now? I mean if this was going to be an issue to come before the board, I would have expected to have received before the meeting,



copies of the policy and some description of what we're going to be talking about and here's what happened. Frankly, I don't even know what to say about this. I think this is disrespectful and the public expects me to make intelligent comments, and expects us to talk about this intelligently. You've got a bunch of questions, which Alex, based upon your history here, I assume are very well thought out and well-founded. But I don't know how I can even address this, which apparently is a big issue, with no preparation whatsoever. I mean is this something we absolutely have to do tonight? Are we reacting and developing policy? I'm just a bit floored here.

**Trustee Hill:**

The concern that I have, I've learned about this event on Monday morning, so it seems like some of the board knew prior, which I have issue with. But I think the urgency of discussion surrounding this is because there has been a public outcry at least for me, I've received calls and I think from the public perception, we need to figure out what happened because the policy that I'm reading mentions fundraising. If they were accepting a fee and this is a political party, I would constitute that as fundraising.

**Vice President Sierra:**

So if I may, the questions that I have has got to give everyone to the understanding as to how this occurred and why it occurred. Trust me when I say that they are very thought out and intentional questions.

**President Johnson:**

Before you start though, let me address Trustee Bertschy's concerns. A flyer was sent to me at uh about a GOP Trump Rally or some sort of gathering in Detweiller Park. I gave Emily a call because I had some concerns. I just asked her about it and I was told that it wasn't a gathering or a rally, they were just meeting there and then they were going to leave and drive out to um Exposition Gardens where they were going to have the event. I said okay. There were some concerns. People called me about this. At certain times, people come to Glen Oak Park and meet and leave, like when they were going up to Chicago for conventions and different things. The Peoria Pride group you know they meet and different things in our park, so I didn't feel that anything was out of order. Given the fact that I was told the GOP group wasn't staying at Detweiller Park, I assumed that it was okay. Then I got an email from Trustee Sierra. It wasn't a political rally, they paid a fee, left Detweiller Park and drove out to Exposition Gardens for the political rally.

**Trustee Hill:**

I think is my concern because this is not just an organic gathering that we had knowledge of and didn't inhibit, this was something that was organized, planned, and we received a fee for. Is that precedent? Have we accepted fees from political parties?

**Executive Director Cahill:**

It was a shelter rental.

**Trustee Hill:**

The entity that rented it was the Peoria GOP correct?

**Executive Director Cahill:**

We've done that before, we do we offer and support shelter rentals. Any group can pay the fee and rent a shelter. In reviewing, what they represented to us that happened there, was that it was not a public rally. It did not by our definition, qualify as a public event. If that's an error, then we need to define what a public event is because gathering there to get in line and move, which was the public portion to Expo Gardens, and based upon our understanding of the situation, did not rise to the level of a public event as defined in policy. It was a part of park or facility rental which is in the section that we are supposed to facilitate.

**President Johnson:**

I just wanted to reiterate that when he said that he didn't know of it, when we do rentals, I treated it as a regular rental basically because I was told they weren't gathering.

**Trustee Hill:**

If it was just a gathering, if they were just meeting in the parking lot, I don't know why they would have invested money into securing a rental.

**Executive Director Cahill:**

So they would have a place to set up their table.

**Trustee Hill:**

But that's when we lean into the fact that it was something happening. It was a program of some kind.

**Executive Director Cahill:**

Which did not qualify as a public event based upon our definition. If that needs to be redefined, we are very very happy to do that. As stated we evaluated it. If that was erroneous the way that we evaluated it, we are happy to redefine public event. The trustees I spoke to about the issue, asked the questions and I responded to them. I did not send something out to the full board because we at that point, the consensus was this was not something that was in board purview. If you want it to be in board purview ...

**Trustee Hill:**

When did you make that decision? Like why did you make the decision about the trustees that you reached out to?

**Executive Director Cahill:**

Trustees reached out to me, I didn't reach out to them.

**Trustee Harant:**

I think I read about something in the paper and I saw they were gathering at Detweiller Park to get in line to go to Expo Gardens. So I called and Emily explained what she just now explained to us. I can't remember exactly when, but I know we changed our policy. When I first came on the board, we approved every shelter rental or almost every event. We made a drastic change at that time. In our other policy, we excluded political entities and it was determined that was not constitutional so we took that part out. So with our new policy, we haven't faced this before

because we had a policy that excluded it so now this is the first time. We initially made the policy change ...

**Trustee Hill:**

As a trustee, waking up Monday morning and having to answer for something that I had no knowledge about even occurred, and then having learned that a portion of this board knew about it ahead of time is concerning.

**Trustee Harant:**

I learned about it by myself. I didn't learn about it from the staff.

**Trustee Bertschy:**

I learned about it 15 minutes ago 15 minutes ago.

**Trustee Covington:**

I received an email or something about it I think from Emily.

**Vice President Sierra:**

It was from Emily because I requested it. We received a copy of the contract. I think my question at this point will be redundant because what I was trying to do was set the foundation so everyone had a common understanding as to what occurred, so allow me to fill in the blanks of what's missing. Emily says that right now the policy does not define that activity that took place on Sunday, as a gathering. Well the policy is right in front of me and in that in fact, at least in my reading of it, is not true. The policy states "public meetings such as, but not limited to, fundraisers, religious worship, and political gatherings, a word that we've used several times just in discussing this event, parades, and demonstrations, must be held in a designated place authorized by the park board. Furthermore, written requests for such meetings must be addressed by the park board and include the name of the organization the contact person date and time of the event requested location for meeting purpose of meeting and any other pertinent information deemed necessary by the board." So it sounds like there was just some difference of understanding or difference of interpretation on the staff's behalf. I think the concern that I have is to me, that's pretty black and white, and I love what the language as it states the reason why it's drafted, in my understanding is because the northern star of municipal governance, but definitely the park district, is that we're nonpartisan. We talk about that all the time. Yet somewhere we not only were notified about or figured out about this event now two weeks ahead of the date in which it was held, but our staff had a conversation with them and then it got escalated all the way up to the top of top of the totem pole, Emily, and this still managed to get executed with the consent of our staff with the knowledge of certain trustees and from my understanding now the involvement of our legal counsel, and no flags were raised.

**Executive Director Cahill:**

That was post event because after our conversation on Sunday, I wanted to make sure that we were able to respond to that. It is not on the agenda, I'm not sure how to provide notice about items that are not on the agenda to know between Sunday and Wednesday whether they're still going to happen. Because that happens and sometimes it goes away. I apologize if that's something I should have sent out again. If this is something that you disagree with then I absolutely apologize, but based upon the conversations that were had and the evaluation that I

made, I own it. I made it because they met there and they went somewhere else where the political gathering happened. I made the decision. You can make that face if you want

**Vice President Sierra:**

I'm going to make it because your pins and needling this conversation when the policy clearly states a political gathering. You said just in this time it's a political gathering.

**Executive Director Cahill:**

I don't believe that that's a political gathering if there is no public presentation. As I said, if you believe that it is, I apologize for the error. I'm not sure what else you want me to do except to have some clarity in this policy because to me, because no one presented information at Detweiller Park, they met and drove somewhere else, we did allow it to proceed because it was a shelter rental. They met in the parking lot, they left.

**Vice President Sierra:**

So I'll say what I would like to be done, one, I think there needs to be an apology. If not from the staff. I'm not I'm not talking about in this setting. There are people who are severely hurt by what they perceive as the park district's participation in this event. Allow me to read just a few messages that I've gotten in three days: "Good afternoon VP Sierra my name is Dylan we have not yet met however I have been given your number from a fellow neighbor. Allow me to say how disgusted I am by the park district's endorsement of a disgusting man. It's my understanding that the parks are apolitical yet you've acted counter to that practice. You should be ashamed and replaced." Another one: "Alex strike my name from your petitions. You may be a nice young man but you're affiliated with evil." Another one: "Yo my boy make it make sense. You told me to do my research but y'all have been out here saluting Trump. I guess we both Trump 2024 now."

**Executive Director Cahill:**

So if the issue is that you don't want any of those things to happen, then that needs to be the policy. Because if you're going to pick and choose who you allow to rent a shelter or to meet in a parking lot, then that is why I engage legal counsel to be prepared to give you guidance in that effort.

**Vice President Sierra:**

Okay perfect. So the issue that I have is now there is a public interpretation of some sort, just by those three messages, which I have 22 in the totality, and I'm happy to share them with anyone, the issue that I have is there's now a perception that we participated in some sort of political setting.

**Executive Director Cahill:**

Then I'm happy to issue a press release that you all review in advance to be clear that this was a shelter rental, we had nothing to do with the facilitation of the event, and our parks are open public spaces welcome to everyone, which is a tenant of DEIA that says that anyone can gather in our spaces.

**Vice President Sierra:**

I appreciate that. I would love to review that and I would also like to recommend that we refund the money to the event organizers.

**President Johnson:**

Refund the money? They used the shelter though, didn't they?

**Vice President Sierra:**

Absolutely

**Trustee Hill:**

Why are we accepting money from political parties if we're apolitical? Am I missing something?

**Trustee Harant:**

I would appreciate our attorneys to speak on that.

**Trustee Bertschy:**

I'm sorry, but I still don't understand what happened at the park. People showed up at the park, there was ...

**Trustee Hill:**

Something that happened for an hour ...

**Executive Director Cahill:**

It took them all an hour to get there and get organized. That's what they did. They organized and went somewhere else and had their rally.

**Trustee Bertschy:**

Okay, so this party organized there and then went elsewhere to their rally? I'm just trying to understand what happened at the park.

**Trustee Hill:**

It's the beginning of a parade I believe.

**Trustee Bertschy:**

The parade from the park?

**Trustee Hill:**

Yes. They paid a fee.

**Trustee Bertschy:**

They had a parade from the park? well no one told me that. It's one reason why I thought I would like to have information before our meeting.

**Executive Director Cahill:**

Attorney Day has information if he could be invited to the microphone.

**Attorney Day:**

Good evening. The park district obviously holds property in trust for the benefit of all people. So when we have these types of conversations, it's critical that it remain content-neutral; the

affiliation, anything is irrelevant. So when we have these discussions, as Trustee Sierra correctly pointed out, it's got to be neutral. It has to be evenly and consistently applied, regardless of the party that's requesting the rental. The historical perspective on this is that the park district has interpreted and applied this policy in this fashion prior to this, so Emily's reading of the policy, based on the information that I have obtained, was consistent with past practice. So again, if the policy needs to be amended, which it sounds like you may be interested in, that would be the correct way to address this moving forward. That way, expectations are clear, and the board's priorities and preferences are clear. However, the current policy that's been read off, which is the current section of the conduct ordinance, which is why I'm up here and I usually handle that section of the policy, has been consistently applied. The park district has rented facilities in similar fashions using similar processes to a variety of political and apolitical religious groups.

**Trustee Hill:**

I just have one question because again, I'm reading this and it's not making sense. What word or phrase would have to be included in the policy as it's written, because as I understand it, this was a political event gathering. It was a fundraiser if they're accepting money and it was the beginning of a parade. So, in a couple instances, this would at least in my understanding, be sufficient in the policy as it's currently written. I'm wondering what additional wording would have to be described for us to have the authorization as the park board to approve this?

**Attorney Day:**

That would be a worthwhile conversation but for starters, defining terms, defining thresholds, payment of fees, the time and resources that the park ...

**Trustee Hill**

It says fundraisers, political gatherings, parades, demonstrations, there's a couple different things that they did that I would assume would fall underneath the purview of at least authorizing, and I think that's the main concern is that we were not made aware of this and we have the authority to at a minimum, discuss it. I would think a statement, because of the sensitivity, ahead of time so that publicly, even though we're not prohibiting it, it's very understood that that is not something that we are taking a stance on one way or the other. So you don't know what verbiage would need to be required?

**Attorney Day:**

All of those terms that you mentioned, it would be helpful to prevent issues like this in the future, to define them. Attorneys like myself wouldn't have a job if reasonable minds couldn't differ on what the meaning of a word is. When you review a policy, it may be clear to you, and your concerns and interpretation are very well placed ...

**Trustee Hill:**

So we would have to define what a parade is?

**Attorney Day:**

What a parade is, what a fundraiser is, what an activity is ...

**Trustee Hill:**

All of those terms have definitions so are we saying ...

**Attorney Day:**

Definitions are not in our policy. Hereinafter, we would have to have a define those terms in policies and ordinances. They very commonly have very straightforward definitions at the outset of them but they have definitions for that exact reason to provide guidance on the interpretation of the policy whether it is this current board, this attorney, this executive director. You do that to establish in writing for future interpretation of it, exactly what we mean when we use those terms.

**Trustee Hill:**

I would like to add an action item to see what additions could be made to further clarify what again seems very clear to me, but would need legal clarity.

**Trustee Bertschy:**

I understand what is being said about definitions, and we can work on that. But even under this definition, I respectfully think that, especially with the picture Alex just showed me, as I understand it down at the park they had these signs that the Trump train and and all that kind of stuff, and I want to make clear for everyone who's listening, this has nothing to do with Donald Trump. I'd say it's the same thing if it was Vice President Harris or Governor Walz's campaign. So they they're down there at the park, they have these vehicles, now Emily didn't know this in advance so I I'm not poking at Emily or anybody on staff here, to me this is just a thing where everything went wrong and we need to get this back on the track. Clearly this was a situation where they took politically themed vehicles to our park, met there and then had a parade out of the park. There we use the word parade, so I think the language is there, but if we need to tone it better I understand what you're saying. You said that we've done this in the past. Give me specific examples where we've done stuff like this in the past.

**Attorney Day:**

Based on my understanding in my conversation with Executive Director Cahill, we have rented facilities, pavilions to both political parties, to religious groups, to political representatives so they can hold events, so it was viewed within that same lens. We're talking about very fundamental constitutional rights of freedom of speech in due process, one of the things that I would stress is that we maintain the policy and apply it consistently. That's where the concern comes from, from my perspective, is based on the past application to similar types of situations, the policy was followed and it was not a board decision because in the past that's how it's been handled. If we were to single this out and make it a board decision when we hadn't in the past we may have some other questions and some problems being raised by the different applications.

**Executive Director Cahill:**

Really, the distinction is the definition between public and private. If it's invitation only, that has been the case that we have used. So if you look at a church who invites their membership to come, that qualifies as a shelter rental and it hasn't come to you.

**Trustee Bertschy:**

Defining what we're talking about here is helpful and I want encourage us all to take a deep breath. We're problem solving here trying to resolve a situation that everybody feels uncomfortable with. By the way Reagan, I'm with you, I think we send them back the money. A

church rents a shelter for the church picnic we got no problems with that, that's fine. There's no issue with that but let's assume it's a very religious church, it's Easter Sunday and they decide what they're going to have, and I say this as a practicing Catholic, they decide what they're going to do is we're going to have a parade and march through the parade with a cross, stopping at stations of the cross at various spots in Detweiller Park. Is that permissible under our policy?

**Attorney Day:**

Based on the current policy, I think it would be very similar to what happened this, with the exception of, from my understanding, was they left Detweiller Park and did not continue to make stops throughout the park, which may take up different resources such as safety barriers, or take away other people's use of other areas of the park. I think there may be a difference there but attorney to attorney hypotheticals are good things and they help problem solve, but I think based on your hypothetical, it would be consistent and it would fall under this policy with this interpretation.

**Trustee Bertschy:**

To me, part of what we're talking about here is the difference between an organization, political, religious, whatever, having a social gathering I mean they're going to there's going to be obviously religious element, my problem is when they use the property to espouse their political or religious views in some fashion, and here clearly from the pictures I'm seeing from Alex, they were utilizing our property to have the Trump train/ I say that because that's what it looked like in the picture, that's what the flyer, clearly they were doing that here. We shouldn't allow people to do that.

**Attorney Day:**

Then that would be a policy that you would implement but then again, you're singling out some activity based on the content of that speech which is very problematic. You're singling out political speech rather than other types of speech so you are singling out the content they speak.

**Trustee Bertschy:**

How can we have this policy at all today?

**Vice President Sierra:**

The issue at hand is if it falls under one of these four categories, which this event did, then it should have come before the board, bottom line and it didn't.

**Executive Director Cahill:**

That is what I apologized for because from my assessment based upon the fact that they met there and they moved on and they did not have any sort of coordinated conversation, there was no microphone, there was none of that stuff, to me, and I didn't make that decision by myself, but that was my analysis based upon that that that did not qualify as that public piece because they did not rally there. They gathered and moved on and our public parking lots are there for anyone to use. If that's wrong, if at the public part meant that you came with bumper stickers and that was your free speech, the next time this happens, I will bring it to you and you can vote yes or no, but then you're going to be editing content. When we had the parade for the NAACP for Juneteenth, we offered the stage to them and it sat in MLK Park and they paraded through. That did not come to you. Some people would argue that's political other people wouldn't because



that was a part of a larger Juneteenth celebration. We supported it, we offered the stage for free and we were asked to do that by board members and so we did those things. It's a slippery slope when you start what's political and what isn't to someone it is and to someone else it isn't. In this case I made the analysis and I have apologized for it and I will issue a formal apology if that is what the board directs me to do. But by my assessment, because they met in the parking lot, they rented the shelter to be able to set up a table to register the people who had already signed up to come do the thing, it was not open to the public. It was not from my perspective a public event because there was no rally that took place there. There was no communication that happened over a microphone which has traditionally been my assessment of something whether it's public, they got in their cars granted they were dolled up whatever, but they went away. They did not have the rally in our park, that is my assessment. I have apologized for that error based upon the conversations that I had and the representation of what it was to me prior to that, I made the decision. If that decision is not what you want, all I'm asking for is clarification for how far down that slope you want that piece to go because when you look at a shelter rental, it's very clear they rented a shelter. We rent shelters and we have in the past to Peoria County Democrats, to other groups, we worked with elected officials to have events where they hand out things. Those are all arguably, if you want to play that game, that's why I'm asking for the definition, because we support those. We offer free tents and we do all kinds of things to support those events because they're good for the community and they're good for quality of life. If one of those things is deemed political, all of them are, and that's why I am asking for that clarification of definition so that those things all come to you in advance before we support them or before we offer those things up. Because from my perspective, again I apologize, if that is deemed wrong by some of you. Based upon my conversations and based upon my analysis, I determined that it was not a public event because the public event was taking place in Expo Gardens.

**Trustee Bertschy:**

I want to clarify though. Attorney Day, are you now telling us that that was political speech as you see it with them and we cannot regulate that?

**Attorney Day:**

You can place reasonable time placing many restrictions on types of speech, but a prior restraint based on content of the speech needs to be very clear. It needs to be consistently applied and in this particular instance, the policy was interpreted and applied consistent with past practice which is a good thing, but it sounds like there needs to be a great deal of clarity on the handling of the policy and the interpretation of it moving forward.

**Trustee Bertschy:**

So you're saying we could not prevent a political party from meeting and having a rally in our park, but we can limit or restrict in a reasonable fashion constitutionally, location ...

**Attorney Day:**

Time, place and manner, which is a little bit broad and encompassing. But generally speaking, courts have upheld reasonable, generally applicable, consistently applied, content neutral, time, place, and manner restrictions, when it comes to First Amendment expression and gathering.

**Vice President Sierra:**

Well we all have a second amendment to bear arms, but we still have policy in which we don't allow that to happen in our park district property. So I appreciate the First Amendment argument and I understand that the historical practice maybe set the precedence for what occurred with this event. Going back to the original question that Emily had as to what's the corrective action here, again, I think a public statement is definitely justified. I think we refund the GOP their money, and I do think that we need to have a conversation amongst ourselves as to how do we prevent this from happening again, because the policy as it's written, to me, is pretty clear. But the part that I'm still confused about is although the trustees that had this conversation reached out to Emily, it was still only certain trustees engaged on this subject matter. It was never presented to the full board and it was never authorized by the board. I don't care about anything else. Those are the facts of the situation.

**President Johnson:**

We also let our facilities let people that have churches, have worship services on our property. They rent the space from us. I just never said anything about it but I did get some concerns when we agreed to let the NAACP do their Juneteenth in our park. I don't want to set up a precedent where certain groups can't use our parks. Peoria Pride meets at the RiverFront and the park district is not supporting any of these, GOP, Democrats, whatever, so I don't know where they're getting that from as that was not the case, when I first got the flyer. But I wanted to be clear, because of all the other things that we've done in the past with all different types of groups, that we ought to be fair. Now I was under the impression, even with that policy, then we committed some with these churches coming in having services, that that would apply to that too.

**Vice President Sierra:**

I think you're right.

**President Johnson:**

And Juneteenth, that would apply to that too as well. But we allowed them to do it because of the quality issue in our community. That's not saying that we support them, and any time that we do rentals, the whole board don't know anything about it. I just called because I saw this flyer and you're right, these people were upset, but then when I got looking at it, I was told there wasn't going to be a whole bunch of people, the GOP wasn't having a big gathering or political rally so to speak. So I do want to be clear that we continue to be mindful of the First Amendment also and all these other groups. Now if we go down this road, then we're going to have to make some adjustments.

**Vice President Sierra:**

This isn't other groups. I hear what you're saying Mr. Johnson. This is not a first, I'm not bringing this up as a First Amendment issue. And to answer your question as to why would we start with looking and evaluating at this practice, I can almost guarantee that one of the reasons why this board priorly reviewed rental agreements, which we did at one point in time just in my three years, there were rental agreements that were coming before this board. I can almost guarantee you that was in part because the board was at least adhering to the policy. It created a practice to ensure that the policy, that certain rentals were presented to the board and the board authorized it. So the point that I'm making is again, I can care less who the political party is, who the political affiliate is, I just want to make sure that one, I'm not put in a situation like this again and two,

we're consistent with the policy. If the past practice is what screwed us up here, then okay, let's at least commit to in this space addressing that practice or the policy, but the fact at hand is we hurt some people.

**President Johnson**

Well just because Trump's name was on this, I believe it's the reason why this was all blown out like it is. Because Trump's name is on there, the Peoria Park District is not in support of any political campaign. Now had Trump's name had not been on that flyer, because I questioned it, me of all people, I question that flyer, but at the same time I have to look at what we've done in the past similar, which we have, we really have. Now we if we go down this road we're going to be changing some things and a lot of other factions are going to be affected by that. But only because Trump's name was there, this is why all this this propaganda went out, I believe.

**Vice President Sierra:**

Propaganda by who, me?

**President Johnson:**

No not you, I'm just saying the people that were calling - oh I'm hurt and all of this, I get it.

**Trustee Hill:**

But we have a policy in place to protect.

**President Johnson:**

But we honored that policy.

**Trustee Hill:**

We did not honor the policy.

**President Johnson:**

We didn't? How did we not honor it?

**Trustee Hill:**

Clearly, we did not. This is precisely why board approval is necessary, because board discussion. It's not even saying that we wouldn't approve it.

**President Johnson:**

You don't think we honored the policy?

**Trustee Bertschy:**

Because the board should have voted on it.

**President Johnson:**

On this particular instance?

**Trustee Hill:**

Yes.

**President Johnson:**

Are we voting on all the rest of them coming in?

**Trustee Hill:**

I don't mind, I got the time. But I think to not understand the nuance is the concern, or at least for me.

**Executive Director Cahill:**

And I apologize for that because based upon the analysis and based upon the conversations that I had and past practice, I applied past practice. If the practice is changing, I said that 20 minutes ago. I apologized for that. I have offered to write a formal apology. I applied past precedent here. I have said that. I am sorry. In this instance, I don't understand the response to that. I have apologized. In my assessment and in talking to President Johnson, who is your leader, he agreed with me and we all felt comfortable with the idea that this did not qualify as a public event, based upon what was happening and based upon how we have handled this in the past. I will own this. I have said I am sorry. I did not send it out to everybody else because I didn't know it rose to this level. It didn't rise to this level until it was over. If this is the expectation every time this happens, I will send it out to all of you. We did not have a board meeting from the point at which this became of interest to us and to you, between then and now. In talking to the board President, who is your leader, he did not have issue with my analysis and I moved this forward, among a lot of other stuff. So if you want me to apply and send out a formal apology to the universe I will, but ultimately, if the expectation is every time, I need to understand where that line is drawn. And if you want all those things that could potentially be, then we can send all of those to you and we can make sure that this doesn't happen again in this way.

**Trustee Bertschy:**

Here's what, and I know Steve you've been trying desperately to get into this conversation, let me just make this comment. This is where politics in America today has gotten us right? Again, I'm going to encourage everybody take a deep breath. If we feel about this, despite the fact Alex, I mean we're all elected officials that sit up here, and so we have to be concerned about the messages we get from our constituents and be responsive to them. So maybe we've learned a lesson here that on issues of this nature, we just need to be a little bit more perhaps, even more so, with the thought that more of this should come to the board, recognizing this may be a problem. Emily I'm not pointing a finger at you. I got what I got what happened. I also got the First Amendment issues. I just raised my questions, I dealt with First Amendment when I was practicing, and so I get it and I understand the issues. I understand the issues about the cross too, and it was interesting to see what you had to say about that. I'd just like to know is in the future when we have stuff like this that could turn into a mess, especially with the heightened tensions that exist with this political campaign, that we get a heads up and we may make a decision on it as a group. And if we have to do it by phone poll, we do it by phone poll.

**Trustee Montez:**

I just want to say that in my years with the park district, we dealt with these particular instances plenty. And we turned some rentals down and we approved some rentals. Most of them had to do with religious use to different facilities who want to do things like sunrise rentals or use other facilities. Some people want to do more long-term rentals that we have to think about. So I know that we have approved it, maybe we haven't had the same look at it in the past few years as we

had previously. We had plenty of rentals where people show up and they do none of the stuff they say they're going to do and they do everything that are against the rules and then we have to take action at that point. And when they do that, I don't take it as my responsibility to whatever they did and how they affected the community. If they go through the regular channels to get access to these facilities, because people just don't act inside the rules sometimes, however loudly, however clearly, we state it. On the other hand, there's probably some easy things to clarify before the people show up and that is if it's a religious organization, are you evangelizing are you holding a service. If it's a political organization, and the rental form clearly states the Peoria County GOP, are you going to have some type of political activity associated, are you doing fundraising on site. They could lie to you, but if they answer any of those questions affirmatively, then when they say yes, we say oh I'm sorry you got to give me a written letter and then we got to take it to the board.

**Trustee Harant:**

Free speech is difficult and I'm not certain Tim, when you said that in hindsight perhaps this should have come to the board, what would we have based a decision on? We would have been identifying a specific political group for special treatment by the board to consider their application. The church gathering has been used as an example, we would have not have done that for others, so we would if we would have voted to deny this shelter rental. We could have ended up in court, right?

**Trustee Bertschy:**

No what I what I'm saying is this. It would have come to us and I assume we would have asked the correct questions, which is, is this protected by the First Amendment, and maybe it was. We've not asked, maybe it was protected by the First Amendment. The other question is what's appropriate from a standpoint of content, time, place, and manner restrictions. I think those are the things we would have looked at and appropriately so. I don't want to suggest here that we would have, because I don't know how we would have voted knowing everything we would have known about the time and not saying we would have voted against that. That's the reason why I don't think we necessarily need to make an apology here because if it if this was protected by the First Amendment, are we apologizing for following the first amendment? I really don't know I so have real issues with that concept. But Joyce, I just think when we developed this policy, there was I'm almost sure if I recall right, this is maybe two years ago maybe, I remember the discussion being that part of why we wanted to do this was to get these decisions out of the board being involved in all this. But when it rose to issues of constitutionality, which these matters do, as identified in the policy, then it should be the board making the decision. So when I say I think a mistake was made here, what I'm saying is that I think this was the type of issue that was imagined by this policy to come to the board. I'm not saying we would have reached a different conclusion.

**Trustee Montez:**

I'd even go so far to say that an item like this could go onto the calendar of consent. There's time for questions even under the calendar of consent. I think it is a protected speech and do have to consider that.

**President Johnson:**

I don't think this particular incident should ... No, I strongly disagree. Also, I didn't state that this individual also told me that if the park board doesn't stop this, I'm going to the State's Attorney. They threatened me. I said well I'm sorry then you have to do what you have to do but as I see it, after I talked with Emily, after we got the information, I said well let's go with it because we start getting biased, our own personal feelings start getting in these types of discussions. And all these different churches have been here that never had a building of their own and they start services. They do and they have it on our property and regardless if I agree with the religion or not, that's not the case here. This was not the case with the with that gathering of the GOP and I truly believe that if it wasn't Trump's name on that flyer, we would not have this conversation today. I just don't think that's right, because we have other groups out here that are not mainstream. We have a lot of other different types of groups that have a different persuasion of life and I don't think we should as a park district, start picking and choosing.

**Trustee Covington:**

I agree with you. I had two people complain about Gospel Fest, with the prayers during Gospel Fest. And so I did have some complaints on it but I mean people complain on everything right? I mean there's always people who have a different view of what is appropriate.

**Trustee Hill:**

I think ultimately though, this was a board decision, and that's what we're saying. You were able to voice your opinion and be involved.

**President Johnson:**

Then we're going to be doing it for everything and that's not going to be good.

**Trustee Hill:**

Again, the way the policy reads, and that I think what is ...

**President Johnson:**

But does this go under the policy?

**Trustee Hill:**

I've read the policy multiple times in so many different ways. I don't really understand why the policy doesn't apply to this situation. but as I am a trustee, I would have a right to be involved in that discussion and that was robbed of some of this board, and that is the concern that we're raising. So I think it's insulting to say that this is all about Trump's name and I think the integrity of what we're calling as the concern should be honored, but I don't want that to be twisted, that this is somehow just getting back because of ideology. There's a reason why this policy is in place to protect us and we were now not protected and now we have a mess.

**President Johnson:**

So we're saying that the decision is because the rest of the board wasn't alerted to this?

**Trustee Hill:**

Alerted, involved, consulted of this.

**President Johnson:**

I'm sorry I get what you're saying and I definitely will stand with our Executive Director on this situation. I called her because I got this flyer and I was concerned about it. The answer that we got, I don't want to cause anything where this park district as a whole can be sued or anything like that, regardless of my own personal feelings of that particular situation it's not important.

**Trustee Hill:**

Bringing it to the board is not giving us liability for being sued correct? It's just following policy.

**President Johnson:**

Yeah following the policy.

**Trustee Hill:**

Okay, so that's all we're asking is that the policy ...

**Executive Director Cahill:**

And I said that I would do that and I'm happy to do that.

**Trustee Harant:**

But we have to know what are the criteria for that decision to be made by staff, and it's going to have to be every application for a rental by ...

**Executive Director Cahill:**

Any level of rental whether it is open to the public or not, I'm happy to do that.

**Vice President Sierra:**

So if I can say, because I brought this up and then I'm just going to end it because I'm on the same page as Reagan, I'm just taken aback and honestly, based on the conversation, I agree with everything you said. Let me just say that. The bottom line is, is why I brought this up and my questions would have clearly outlined that, so I really wish I could have gotten to the questions that I put a lot of thought into, is that the policy was not followed. Emily has apologized we have received that. Moving forward, there's two things that needs to happen which is this board needs to figure out what corrective action we're going to take ...

**President Johnson:**

How was the policy not followed? I need to understand that

**Vice President Sierra:**

Reagan just explained it to you.

**President Johnson:**

No, I'm not clear on it. How was ...

**Trustee Bertschy:**

It says a parade must be approved by the board ...

**Executive Director Cahill:**

In the park. We don't approve that. The parade was outside of the park.

**Trustee Hill:**

The parade began in the park, correct? So the park was the setting for the beginning of a parade.

**Executive Director Cahill:**

Again, I apologize for my error in analysis and I've said it this is now probably the 10th time. I am truly sorry. If you want me to put it into a formal apology I will. Moving forward we will handle this differently. The assessment was what it was and I answered to the folks who asked questions of me and I apologize for not sending it to all of you. I didn't understand that it rose to that level, based upon the analysis and the feedback that I received when I provided that analysis to others. All I'm saying to you again is, I don't understand why people are still making faces because I said I was sorry and I mean it. Moving forward I'm going to do my best to analyze that in a different way. I applied past precedent as Attorney Day said. I'm not sure what else you want me to say except that based upon this board's analysis, or at least some of you, I did that wrong, and that's the hard part. Because there is not generally, again, I'll move all these things to you. I did not, so I don't really know how to make this happy right. All I can tell you is that I apologize. Again, I'm sorry. I will do better next time to meet that standard, but that standard is not the expectation in analysis that, I don't have pictures of the event. I wasn't there. I have the flyer which was shared with certain people, not everybody, and my assessment was that they were meeting there and moving on.

**Trustee Covington:**

They were giving a dollar or something like that. I just heard about it through friends. I didn't see a flyer.

**Executive Director Cahill:**

You don't approve, I mean there's other, you pay an admission fee to come to a lot of these things.

**Trustee Covington:**

I was thinking though, and as I heard about it tonight, that people said they were just supposed to stop by there and register and leave. I didn't understand that anything was going to happen there. I thought people, because people were commenting that it was funny, they'd have a rally and charge people at one place and charge them again at Expo. So I can see why it was a misunderstanding because of if they say we're just going to be charging, that was the apparently the intent to get the dollar from everybody, but I didn't know it.

**Executive Director Cahill:**

I will bring all future requests for uses that are tied to a political party to this board. I will bring all future requests for uses that are tied to a parade or to a religious gathering to the board.

**Trustee Bertschy:**

Emily, apology received. Let's get beyond that. I just think, I don't know what our form says, but it should simply say this: is this a fundraiser? Does this involve religious worship? Is this a political gathering? Are you going to have a parade or a demonstration? And if they say yes, then it comes



to the park board. And if they say no then it doesn't have to come to the park board. And if they lie saying we're not doing any of these things, that's not on you. That's not on us. That's on them. We'll deal with them when they try to do something in the future, I think.

**Executive Director Cahill:**

For a standard shelter rental, that form in that questionnaire was not completed in that way. It was done informally by phone. So we will ensure that that form is completed in a more formal process as we move forward.

**Trustee Bertschy:**

I think that's what we need.

**President Johnson:**

Well my concern is that we had a parade with Juneteenth and the park district gave some things that helped support the event. Now I think it's rude when someone is talking and there's a private conversation going. Excuse me. I think it's rude when we're talking, we have a private conversation.

**Trustee Bertschy:**

We're trying to resolve an issue. You're right. I apologize.

**President Johnson:**

Now if that is the case then, if Juneteenth wants to come and do another parade again, then what if the board does not want to approve it? What if some people here feel like that's just for Black people?

**Trustee Hill:**

Isn't it a national holiday now? We're talking about religious and political so ...

**President Johnson:**

But you said parade. That's in there too and we did that.

**Trustee Hill:**

From a religious or political party ...

**President Johnson:**

But we said parade ...

**Trustee Hill:**

From a religious or political group is what I understand, which I mean again ...

**Executive Director Cahill:**

I assume that there are people who would argue that the NAACP is a political group ...

**Trustee Hill:**

Okay because who's hosting, not the subject.

**Executive Director Cahill:**

Moving forward, all of those things will come to you. There will not be any conversation prior to. They will come to all of you.

**Trustee Harant:**

I do think though that we would need to have criteria for how we make a determination so that we are fair to all, regardless of the content of the activity.

**President Johnson:**

I agree.

**Executive Director Cahill:**

Which is the clarification to the policy, aside from definition, that I believe is absolutely necessary here.

**President Johnson:**

Okay thank you.

**Attorney Day:**

You're welcome.

**6.B. Superintendent of Planning, Design & Construction**

Becky Fredrickson presented the September 2024 Project Report and stated that currently, there are no projects materially behind schedule. *Please see Attachment A.*

**7. COMMITTEE REPORTS**

**7.A. Planning Committee – Schmoeger Park Lease Renewal**

This item was pulled from the Planning Committee meeting agenda and therefore, will come to the Board at a future meeting for approval.

**8. NEW BUSINESS**

**8.A. Trustee Travel Meal and Lodging Expenses Policy**

Trustee Bertschy stated that this is the second reading for the board and presented for approval tonight. It establishes an expense policy. There was some confusion in the past about how our expense policy proceeded. In the past when we gave advances within the allowed limits by government, some people thought expense statements with receipts should be included to show that the money was spent for that purpose. Others thought it wasn't clear. The determination that was made was that it was not as clear as it might be. As such, the Finance Committee worked on preparing a series of modifications to our expense policy. It now will require receipts in all circumstances. How we'll deal with past situations where expense receipts were not turned in by trustees, is we'll ask those trustees to sign an affidavit which indicates that they are attesting on under the oath of that affidavit, that the money that they received as an advance, was spent in fact for the purposes of the conference which it was intended for. We have been advised by legal counsel that that policy meets legal muster for dealing with past circumstances. As such, we'll ask the trustees who are involved to sign those affidavits if this policy passes. With that,

Trustee Bertschy MOVED TO APPROVE the Proposed Travel Expense Reimbursement Policy Effective at the conclusion of This Meeting. Motion seconded by Trustee Hill and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**8.B. Settlement Agreement – Solar**

Becky Fredrickson stated that in n 2019 the Park District entered into a Power Purchase Agreement with Hawk-Attollo for the installation of solar panels on four Park District buildings (RiverPlex, Noble Center, Owens, & Lakeview Rec). The solar panels are owned and maintained by Hawk-Attollo, and the Park District purchases power from Hawk-Attollo for those facilities at a reduced negotiated rate, based on the energy produced.

During installation, the meters were installed incorrectly on the RiverPlex and Noble Center, resulting in overpayments and missed benefits to the Park District. Once the errors were discovered, the contractors performed corrective action and then a third-party electrical contractor involved in solar installations was brought in, reviewed, and verified that each system, including the other two (Owens and Lakeview Rec) were functioning correctly. Once reviews of the systems were complete, Clifton, Larson, Allen was brought in to review payments and verify all overpayments and missed benefits from December 2020 thru February 2022. As such, staff recommends approving the settlement agreement with Haw-Attollo.

Trustee Harant MOVED TO APPROVE the Solar Settlement Agreement. Motion seconded by Trustee Montez and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**8.C. Learning Management System (LMS) Agreement**

Brianna Cobb stated that as s the District strives for excellence in our mission to provide high-quality recreational programs and services, we believe it is essential that we continue to invest in our most valuable resource – our employees. There are numerous benefits to a well-trained, compliant, and socially aware workforce, which is crucial to maintaining a safe and accountable environment, which ultimately benefits our organizational culture and the community we serve.

As such, we believe the District needs an organization-wide learning management system (LMS). An LMS will not only streamline our current training procedures, all of which is manually tracked through multiple paper and spreadsheet systems, but also provide a platform for professional development, knowledge sharing, skill building, and employee growth.

Staff conducted research and reviewed industry trends and practices, relative to LMS products, and found that Paycom’s robust LMS module would fulfill the District’s current needs, with potential to fulfill future LMS goals. Further, given that 96% of employees are already logging in and engaging with the Paycom system beyond merely clocking in at a communal time clock, we believe leveraging Paycom LMS will create a more understandable and efficient employee user experience.

Cody Haines, Environmental Health & Safety Manager, stated that certain certifications are a requirement noted in many Park District job descriptions. With the new LMS system, an employee will not only be able to see those required certifications online, but they will be able to post their own training and certifications and information. For example, many crew members are required to have a CDL drivers license. With the LMS system, that information can be uploaded and a manager can see that they have their CDL license to determine whether they can drive a particular vehicle. This also applies to first aid and CPR certifications, where they can be loaded into the system. Basically, an employee can upload any type of certification they have attached to their name. Anything that has to do with OSHA compliance, EPA compliance, Park District compliance, etc. can be uploaded by or for an employee.

Staff recommends implementing Paycom's Learning Management System (LMS), with an initial \$12,000 implementation expense in the fiscal year 2024 and an ongoing cost of \$3.67 per check (estimate of \$50,000-\$55,00/year) that will be launched in the fiscal year 2025. The 2024 General Administration budget has the capacity to support the implementation expense, and the ongoing LMS cost will be included in the 2025 budget. Expanding the District's utilization of Paycom to include LMS does not necessitate any changes to the underlying 2023 board-approved Paycom Agreement and General Terms and Conditions. For reference, attached is the quote for the LMS implementation and ongoing costs and Paycom's 2023 annual 10-K filing with the Securities and Exchange Commission.

Trustee Bertschy MOVED TO APPROVE the Learning Management (LMS) Agreement. Motion seconded by Vice President Sierra and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**8.D. Post-Travel Review/Approval - Peoria Zoo Staff Travel to the 2024 AZA Conference in Calgary, Alberta, Canada**

Executive Director Cahill stated that by policy, staff travel must be approved by the Board when actual expenses exceed the projections provided in a pre-travel form submission. Zoo staff travelled to Calgary, Canada for the Association of Zoos and Aquariums conference in mid-September and due to the conversion rate from American to Canadian dollars, their pre-travel estimates were lower than their actual expenses. Further, Steve Hausler's hotel rate was charged at normal hotel rates rather than the conference rate, but he did not identify the erroneous charge until after the fact and the hotel would not modify the charge. Recommendation: Staff recommends approval of both overages and approval of the reimbursement to staffer Dawn Petefish. This conversion/reimbursement equals a total of approximately \$1,300 US Dollars.

Trustee Covington MOVED TO APPROVE the Post Travel Expenses for Peoria Zoo Staff Travel to the 2024 AZA Conference in Calgary, Alberta, Canada. Motion seconded Trustee Montez and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**9. CALENDAR OF CONSENT ITEMS**

**9.A. Ratification of Phone Poll Dated September 24, 2024 for Quote - Noble Center Compressor Replacement (A/C)**

**9.B. Ratification of Phone Poll Dated September 24, 2024 for Bid – Glen Oak Park Inclusive Restroom**

- 9.C. Ratification of Phone Poll Dated September 24, 2024 for Bid – Forest Park Nature Center Parking Lot**
- 9.D. Bid - Golf Learning Center Irrigation Improvements**
- 9.E. Proposal – Golf Simulators**
- 9.F. Change Order #2 – Golf Learning Center**
- 9.G. Bid – Franciscan Recreation Center Playground**

Trustee Bertschy requested items 9.B., 9.C., and 9.D. be pulled for discussion. Trustee Harant requested item 9.G. be pulled for discussion.

Trustee Bertschy MOVED TO APPROVE Calendar of Consent items 9.A. 9.E., and 9.F. Motion seconded by Trustee Harant and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

In regards to 9.B., Trustee Bertschy stated that we ask contractors and vendors to sign a Certificate of Equal Employment Opportunity Compliance for Contractors & Vendors form and staff does a great job of securing those acknowledgements and signatures. As such, do we have in place yet a policy for following up with repeat bidders to see if in fact they're carrying through on this obligation? Becky Fredrickson stated that not exactly, as the policy has only been in place for a little over a year, so it's more a mechanism of tracking which contractors have come through. Staff does keep an eye on and a report was given at the last DEIA Committee meeting where if there was anything that appeared to be of concern, highlights were brought to that committee. Trustee Bertschy stated that going forward, he hopes to have a discussion in the DEIA Committee about putting that policy in place.

In regards to item 9.C., the winning bid was roughly \$2,000 more than the other bids that were submitted. Since the Park District needs to take the lowest responsible bidder, how do we decide when there's an alternate bid that would change the positions of the two companies, who's the lowest responsible bidder? Becky Fredrickson stated that in this case, the alternative one would have replaced some of the asphalt with concrete and based on the amount of the bid plus the alternate, we did not have enough funding in place. So based on the budget, we were only able to award base bid and not an add alternate.

In regards to item 9.D., is the Golf Learning Center irrigation work that's going to be done, will it survive the construction process? Becky Fredrickson stated yes.

In regards to item 9.G., Trustee Harant stated that this is the playground at the Franciscan Rec Center and she would like to thank staff for conducting the public survey and holding a public input session on this. West Peoria is very involved and interest in what goes on at the FRC and she was really satisfied with that public input session. The West Peoria Mayor, Council Member, and residents all came and participated in the session, providing great discussion feedback.

Trustee Harant MOVED TO APPROVE Calendar of Consent items 9.B. 9.C., 9.D., and 9.G. Motion seconded by Trustee Bertschy and carried on the following roll call vote: Trustees Bertschy, Covington, Harant, Hill, Montez, Vice President Sierra, and President Johnson. (Results: 7 Ayes; 0 Abstain; 0 Nays).

**10. PENDING BUSINESS**

None at this time.

**11. CITIZEN REQUEST TO ADDRESS THE BOARD**

None at this time.

**12. COMMUNICATIONS**

None at this time.

**13. OTHER BUSINESS**

None at this time.

**14. ACTION STEPS REVIEW**

None noted at this time.

**15. ADJOURNMENT**

At 8:16 pm Vice President Sierra MOVED TO ADJOURN. Motion seconded by Trustee Harant and carried by unanimous aye of those present.

Full discussion can be viewed at the following link: [https://www.youtube.com/watch?v=zyT2Ta\\_hzq0](https://www.youtube.com/watch?v=zyT2Ta_hzq0)

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Respectfully Submitted by Alicia Woodworth  
Executive Assistant and Board Secretary