

**Fox Valley Special Recreation Association  
Minutes of the Annual Meeting  
Of the Board of Directors  
May 22, 2006  
7:00PM  
FVSRA Administration Offices  
in the Vaughan Athletic Center  
2121 W. Indian Trail  
Aurora, IL 60506**

**CALL TO**

**ORDER:** Chairman Rose Smilgys called the meeting to order at 7:05pm and directed the Executive Director to call roll.

**ROLL CALL:**

**Present:**

Rose Smilgys, Chairman	Fox Valley Park District
Robert Thomson, Secretary	St. Charles Park District
William McAdam, Asst. Sec'y	Oswegoland Park District
Carolyn J. Nagle, Treasurer	Fox Valley Special Recreation Association
Michael Clark	Batavia Park District
Linda Cole	Fox Valley Park District
William Conner	St. Charles Park District
Greg Repede	Sugar Grove Park District
Susan Vander Veen	Geneva Park District

**Absent:**

*Sheavoun Lambillotte, Vice Chairman	Geneva Park District
Alan Leard	Batavia Park District
Steve Messerli	Fox Valley Park District
Eleanor Rzeminski	Sugar Grove Park District
*Mark Slover	Oswegoland Park District

\*arrived after roll call was taken

**Others present:**

Peter Pope	FVSRA Superintendent of Recreation
Ginny Pavesich	FVSRA Office Manager
Meg Krancic	FVSRA Public Information Coordinator
Jennifer Belken	FVSRA School Services Coordinator
Alexandra Redenius	FVSRA Therapeutic Recreation Specialist

**INTRODUCTION OF GUESTS**

Deb Krase	Oswegoland Park District Commissioner
Heidi Katz	FVSRA Attorney, Robbins, Schwartz, et al
Christine Coakley	Fox Valley Park District Trustee
John Kerr	St. Charles Park District Commissioner

**APPROVAL OF CONSENT AGENDA**

**Greg Repede made a motion to approve Consent Agenda, Items A through K. Linda Cole seconded. Motion passed unanimously.**

**CORRESPONDENCE**

The Executive Director noted the April 26, 2006 letter received by FVSRA from Steve Persinger, Director of the Geneva Park District, which purpose was to inform FVSRA of its intent to use 5-8 levy funds for ADA projects at the River Park, and Peck Farm Park North Community Center

## OLD BUSINESS

### A. Special 5-8 Funding Policy Status

The Executive Director provided a written summary of Section 5-8 Levy Policies, as provided by six other special recreation associations. This summary included policy language and intent of policy, identification of eligible expenditures, and approval/acceptance process.

The current FVSRA policy regarding 5-8 funds use has been in place since 2004. Since that time, FVSRA has grown from four Member Park Districts to six, and of the current thirteen FVSRA Board Members, seven were not on the Board when the policy was established. The FVSRA policy originally established that the FVSRA Executive Director would “approve” the use of 5-8 funds for Member Park District projects. Since 2004, three letters regarding use of 5-8 funds have been received by FVSRA.

The Executive Director reviewed the policies of six other special recreation associations and highlighted the following for consideration by the FVSRA Board:

- 1) that the Executive Director should *recommend/not recommend the support* of the project to the FVSRA Board;
- 1) that the FVSRA Board should have a more vested role in the review process of projects as planned by Member Park Districts;
- 2) that a time line for planning for the use of the Section 5-8 funds would be beneficial;
- 3) that the policy should provide a “checks and balances” approach for FVSRA, the Member Park Districts and the taxpayers;
- 4) that the involvement of FVSRA staff and consumers in the Member Park District ADA accommodations, accessibility renovations and playground design would help to meet accessibility needs, both from a consumer application approach and financially; and
- 5) that the policy should provide for documentation of funds levied and expended, in some type of auditing method.

Board Member Repede asked what legal responsibilities/rights does FVSRA have to dictate to Member Park Districts regarding use of 5-8 levy funds. If FVSRA has a responsibility and/or rights, what liability does FVSRA have in making the decision?

Attorney Katz responded that the concept of the statute at the inception of the statute was not one of “dictating”. At the writing of the statute, there was no recreation for persons with disabilities and the Americans with Disability Act was not in existence. The statute which allows for creation of special recreation associations, includes Member Park Districts being tied to a special recreation association for use of 5-8 levy money, only for purposes of programming and facilities in which the Member Park District has special recreation membership; however, the statute does not include that special recreation association as “policeman” Obvious use is to fund operations, contributions or acquisition of new facility, such as the Vaughan Athletic Center. With the creation of ADA, Member Park Districts now must include special recreation association and inclusion costs to be funded with 5-8 funds. Most attorneys advising special recreation associations to suggest a position of collaboration between the Member Park District and the special recreation association with interaction between the special recreation association and the member park district, especially when use is loosely tied to an special recreation association program or facility. It was unprecedented and remarkable that legislation passed the 5-8 levy exemption and the legislators were insured, at time of passage, that the funds would serve joint programs for persons with disabilities. Attorney Katz noted that there might be a possibility of a tax objector. When asked if FVSRA Board were to approve 5-8 funds projects and a tax objection resulted, would FVSRA be liable/responsible, the attorney’s answer was no. Board Member Repede suggested that the FVSRA board “signing off” would have the impression of approving or dictating use of 5-8 funds, whereas, advising on projects would have the impression of a collaborative effort. Board Member Clark believes that the crux of the matter is, if Member Park Districts are held liable for levy, why would a Member Park District need the approval of the special recreation association for any projects funded by 5-8 levy fund. The other side is that Member Park Districts only receive 5-8 levy funds because they are a part of a special recreation association. In 2004 when the FVSRA Board approved the current policy, it was under time constraints. Researching what other special recreation associations are doing, shows that the FVSRA policy is too vague. Board Member Clark wants to change the current policy, which

could leave a “black eye” on FVSRA if a project was to be challenged. Board Member Clark likes the policy used by Southeast Association of Special Parks and Recreation (SEASPAR), which included some definitions as to the type of review a 5-8 levy project should receive by the special recreation association; he also liked the checks and balances built into the North Suburban Special Recreation Association policy. Board Member Clark suggested doing 5-8 planning when Member Park Districts do its yearly planning. Board Member Conner stated that each Member Park District can do as it chooses, however, it would be good to have the support of the FVSRA Board. Board Member McAdam agreed and suggested some auditing be done by the FVSRA Board. Board Member Clark is also concerned that a Member Park District may choose to do a project, but not know if the project is in the spirit of the FVSRA Joint Agreement and the letter of the law.

Board Member Repede asked if there would be a way to build in “informed consent”. Attorney Katz responded that participating in FVSRA is a means to conversation and expenditure of the special recreation association levy money to further the purpose of a special recreation association; and it should be a group decision. There needs to be communication to determine if project is beneficial to the special recreation association. Board Member Clark stated that Member Park Districts can make a decision to do a 5-8 levy supported project without the support of FVSRA. According to Attorney Katz, it is a likely possibility to always find a special recreation association purpose for use of 5-8 projects, for example, reasonable cost of overhead of facilities.

Board Member Repede made the suggestion that if an application for use of 5-8 funds was made, the FVSRA staff and attorney could review application, and give approval to FVSRA Board for concurrence or not, then it could go back to Member Park District to do or not do, as they choose. Attorney Katz suggested use of “acknowledge and consent” rather than “approve”. Attorney Katz stated that a policy and process with regard to 5-8 levy funds is for the protection of the Member Park Districts and FVSRA.

Board Member Cole stated that it seems that the Members of the FVSRA Board of Directors are indicating a desire to review/rewrite, the current policy. Board Member Cole wants the review/rewrite done in a timely manner. Board Member Clark believes the Executive Directors of the Member Park Districts have ideas about what they would like to do with 5-8 levy funds. Board Member Repede suggested the following steps:

- 1) the Member Park District makes application/letter outlining project and how it fits;
- 2) FVSRA Executive Director and staff reviews project and invites legal review if necessary;
- 3) FVSRA Executive Director presents opinion to FVSRA Board that project meets requirements of 5-8 levy funds or not;
- 4) FVSRA Board concurs or not; and
- 5) An audit is done on any 5-8 funded projects.

Attorney Katz believes that the above approach allows for conversation between FVSRA and Member Park Districts before anything would receive a legal review.

Customary uses of 5-8 levy funds could be part of the guidelines.

The FVSRA Executive Director will prepare a draft of the procedures of customary and legal guidelines for the July FVSRA Board meeting. Board Member Conner suggested adding one individual from each Member Park District to join with the FVSRA Executive Director in reviewing applications/letters, to create a policy committee. Board Member Clark agreed.

## **NEW BUSINESS**

### **A. FVSRA Building Funds Report**

The Executive Director reported that the Building Fund, as of March 31, 2006 was at \$29,927.31, with one final payment yet to be received of \$7,513.00. The funds remaining in the account are a result of less cost per square foot and less footage than the budget indicated. The remaining funds could be used to make additional purchases of items such as electronic door opener for FVSRA

main lobby door, benches for outside the FVSRA office, bookcases, folding chairs and tables, coat racks and reconfiguration of staff modular offices to provide more office space.

**DIRECTOR’S REPORT**

**A. West Aurora School District Transition Program**

The Executive Director reported that the West Aurora School District accepted a proposal to house its transitional education program in the FVSRA multipurpose room from 9am to 1pm during the 06-07 school year for \$10,000. A intergovernmental agreement is being drafted. FVSRA will have priority scheduling for the multipurpose room and West Aurora School District personnel are aware of this.

**B. Personnel Update**

The Executive Director reported Alexandra Redenius began full-time employment with FVSRA on May 16<sup>th</sup> and her main programming focus will be Personal Training for FVSRA participants.

**C. Tee Up for Downs Golf Fundraiser**

The Executive Director reported that Christy Schultz, creator of the Tee Up for Downs Golf Fundraiser was very pleased with the support provided to her from the FVSRA staff for this year’s event, as this fundraiser has continued to grow. The Executive Director invited foursomes comprised of Board Members and/or others to golf or sponsor a hole. Donations are also being accepted for the drawings and prizes at the event.

**D. Summer Meeting Locations**

FVSRA Board meetings in the months of June, July, August and September have all been confirmed as follows:

DATE	HOST	LOCATION
Monday, June 26	Batavia Park District	Harold Hall Quarry Beach 500 S. Water Street, Batavia
Monday, July 24	St. Charles Park District	Pottawatomie Park 8 North Avenue, St. Charles
Monday, August 28	Geneva Park District	Peck Farm 38W199 Kaneville Road, Geneva
Monday, September 25	Oswegoland Park District	Boulder Point 0 Boulder Hill Pass, Room 2 Montgomery

**FY 2005-06 Audit Process**

The audit is scheduled for Wednesday, May 31 and Thursday, June 1, to be done by Sikich LLP. Sikich mailed necessary letters of confirmation and questionnaires to Member Park Districts and Board Members.

**SUPERINTENDENT’S REPORT**

The Superintendent’s Report is as presented in the Board Packet. The Superintendent also reported:

- 1) West Aurora staff and students who toured the VAC are interested in using the VAC facilities during the next school year, when they will be housed in the FVSRA multipurpose room.
- 2) Corporate memberships for FVSRA participants who are independent, to use the VAC facilities, are being discussed;
- 3) Several new programs for the FVSRA Summer 2006 season are being offered, such as a cooperative special needs cheerleading program, cooperative adventure for therapeutic program with horseback riding; and a new program for Opportunity School for those with mental health issues and emotional needs.
- 4) Illinois Wheelchair games will be hosted by FVSRA in 2007 and 2008.

**PROGRAM REPORTS**

Staff Program Reports were included in the Board packet.

**ANNUAL MEETING PRESENTATION**

The Executive Director and Superintendent presented the 2005-06 Annual Report. Copies of such will be provided to Member Park District Directors and Commissioners/Trustees.

Highlights to note include: the Annual Report was prepared in-house by the Public Information Coordinator; FVSRA will be celebrating 30 years this August; FVSRA will be doing strategic planning with focus groups in service areas and a population study by Northeast Illinois Planning Commission; develop a formal fitness and wellness focus; review transportation services to meet needs and keep transportation available while being cost conscious; do a health plan benefits study to consider needs and alternatives; involve all staff for submitting an application for Distinguished Agency in the Special Recreation Association category. The Executive Director thanked all the Member Park Districts, their Board Members and those serving on the FVSRA Board for all the support throughout a year which was very exciting, as FVSRA relocated to the Vaughan Athletic Center,, added full-time staff, new programs, and new marketing efforts.

#### **ANNOUNCEMENTS**

None

#### **ADJOURNMENT**

**Michael Clark made a motion to adjourn. William McAdam seconded and motion passed unanimously. Chairman Smilgys adjourned the meeting at 9:06pm.**