



**FOREST PRESERVE DISTRICT OF COOK COUNTY:  
A CALL FOR A SEPARATE BOARD OF COMMISSIONERS**

**Prepared By:**

**The Civic Federation and Friends of the Forest Preserves**

**March 17, 2008**

## EXECUTIVE SUMMARY

The Civic Federation and Friends of the Forest Preserves **support** the creation of a separate elected Board of Commissioners to govern the Forest Preserve District of Cook County. Due to an organizational structure that creates an inherent conflict of interest and inhibits proper oversight, the District suffers from numerous problems that may be improved by installing a separate governing body.

### ***THE CURRENT BOARD STRUCTURE IS FAILING THE FOREST PRESERVE DISTRICT BECAUSE IT CREATES AN INHERENT CONFLICT OF INTEREST***

There is an inherent conflict of interest that arises by having the same Board of Commissioners represent the interests of Cook County and the Forest Preserve District simultaneously. Certain actions taken by the Commissioners illustrate the fact that they are placed in irreconcilable positions, including:

- **Consideration of the Mittal Steel Land Swap Proposal in 2005;**
- **Sale of District land to the Village of Rosemont in 1999;**
- **Transfer of funds from the District to the County in 2007; and**
- **Granting the Village of Morton Grove a permanent easement over District lands in 2000.**

### ***THE CURRENT BOARD STRUCTURE IS FAILING THE FOREST PRESERVE DISTRICT BECAUSE IT INHIBITS PROPER OVERSIGHT***

Commissioners are appropriately required to spend great amounts of time dealing with issues pertinent to their Cook County oversight duties. These time-consuming issues leave the Commissioners little time to focus on the needs of the District. This reality is illustrated by the disproportionate allocation of meeting time between County issues and District issues. It is further illustrated by the decision to not create a separate Human Resources Department for the District. With the creation of a separate board to oversee the District, the Commissioners would have more time to spend on County issues. At the same time, the District would benefit from having Commissioners who are able to devote more time to the management of the forest preserves.

### ***THE DISTRICT SUFFERS FROM NUMEROUS PROBLEMS BECAUSE OF THE CONFLICT OF INTEREST AND A LACK OF PROPER OVERSIGHT***

Due to current structural deficiencies which create an inherent conflict of interest and inhibit proper oversight, the District has experienced numerous problems, including:

- **Failure to address the District's financial difficulties;**
- **Inadequate adherence to transparent financial procedures;**
- **Failure to develop a Capital Improvement Plan until after approving a \$100m bond issue;**
- **Questionable land management practices;**
- **Slow rate of land acquisition; and**
- **Allowance of private use of public lands.**

### ***OUR RECOMMENDATIONS***

The Civic Federation and Friends of the Forest Preserves recommend that a **separate** elected Board of Commissioners be created for the Forest Preserve District of Cook County. This action does not create a new government entity and its creation should not result in any additional costs for the District. The new board should be elected **county-wide** via a **non-partisan** election and have a **board president selected among and by the members** of the board. A separate board will allow voters to elect Commissioners on the basis of candidates' positions, credentials, experience and interest in forest preserve governance.

## INTRODUCTION

The Civic Federation and Friends of the Forest Preserves **support** the creation of a separate elected Board of Commissioners to govern the Forest Preserve District of Cook County. Due to an organizational structure that creates an inherent conflict of interest and inhibits proper oversight, the District suffers from numerous problems that may be improved by installing a separate governing body.

## BACKGROUND INFORMATION ON THE FOREST PRESERVE DISTRICT OF COOK COUNTY

The Forest Preserve District of Cook County was incorporated by state statute on June 27, 1913.<sup>1</sup> The statute stipulated that the District would be governed by the Cook County Board of Commissioners and the President of the Cook County Board, and that these members would serve without additional compensation.<sup>2</sup> Within the first six years of its existence, the District purchased 21,500 acres of land and created a formal Land Development Plan.<sup>3</sup> In 1962, the District issued its first formal Land Policy, a booklet which included purchasing and retention guidelines.<sup>4</sup> Nearly 58 years after the creation of the first land policy, the Commissioners approved the District's first Land Acquisition Plan.<sup>5</sup> This plan identified more than 40,000 acres of land within Cook County that were suitable for acquisition by the District.<sup>6</sup> In 2004, Commissioners authorized an updated Land Policy and added an accompanying ordinance.<sup>7</sup>

The District's mission is to "acquire and hold lands...for the purpose of protecting and preserving the flora, fauna and scenic beauties...[and] for the purpose of ...education, pleasure and recreation."<sup>8</sup> In addition to preserving lands, the District also operates golf courses, driving ranges, boat rental facilities, equestrian stables, nature centers and public swimming pools.<sup>9</sup> Today, the District owns 68,523 acres of land<sup>10</sup> and attracts more than 40 million visitors each year.<sup>11</sup> The District's holdings also include the Brookfield Zoo and the Chicago Botanic Garden.<sup>12</sup> The Brookfield Zoo and the Chicago Botanic Garden are component units of the District, meaning the District owns both institutions and levies, collects, and remits property taxes to support them. The Zoo is operated by the nonprofit Chicago Zoological Society, and the Botanic Garden is operated by the nonprofit Chicago Horticultural Society. Financial information for these two institutions is presented separately in the District's audited financial

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<sup>1</sup> *Cook County Forest Preserve Act*. 70 ILCS 810/3.

<sup>2</sup> *Cook County Forest Preserve Act*. 70 ILCS 810/5.

<sup>3</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 5 (2002).

<sup>4</sup> Forest Preserve District of Cook County "Land Policy" (1962).

<sup>5</sup> Forest Preserve District of Cook County. *Land Acquisition Plan*. (As amended July 27, 2000).

<sup>6</sup> *Ibid.*

<sup>7</sup> Code of the Cook County Forest Preserve District, Title II, Chapter 5, Forest Preserve District Land Policy (Approved November 4, 2004).

<sup>8</sup> *Cook County Forest Preserve Act*. 70 ILCS 810/7.

<sup>9</sup> Forest Preserve District of Cook County Executive Budget Recommendation FY2008, p. iii.

<sup>10</sup> Personal Communication between the Civic Federation and David Kircher, Chief Landscape Architect for the Forest Preserve District of Cook County, on January 10, 2008.

<sup>11</sup> Forest Preserve District of Cook County Executive Budget Recommendation FY 2008 p. iii.

<sup>12</sup> *Ibid.*

statements. The Forest Preserve District Board authorizes all Garden and Zoo revenues in its annual budget, including fee schedules and property taxes.

Although it shares Commissioners and a Board President with the County, the District is managed by a separate staff. A General Superintendent oversees the District's operations, while seven departments handle issues including Finance and Administration, Resource Management, General Maintenance, Permit and Recreation Activities, Planning and Development, Law Enforcement and Legal.<sup>13</sup>

### **THE CURRENT BOARD STRUCTURE IS FAILING THE FOREST PRESERVE DISTRICT BECAUSE IT CREATES AN INHERENT CONFLICT OF INTEREST**

There is an inherent conflict of interest that arises by having the same Board of Commissioners represent the interests of Cook County and the Forest Preserve District of Cook County simultaneously. The County's interest in promoting economic development conflicts with the District's mission of preserving natural land, regardless of the economic benefits that could result from its use or sale. The situations described below provide examples of how Commissioners are often placed in an irreconcilable position due to the requirement that they balance both duties.

- **Consideration of the Mittal Steel Land Swap Proposal**

The first example of the Board's inherent conflict of interest was the question of whether to sell District lands to Mittal Steel. In 2005 Mittal Steel proposed a land swap deal with the District to aid in the expansion of Mittal's steel operation. The deal proposed that the District would give 21 acres of forest preserve land to the steel mill in return for 31 acres of Mittal Steel land. According to Mittal Steel, the swap was necessary to facilitate a plant expansion that would have created up to 100 new jobs. While the District stood to gain an additional 10 acres from the swap, conservation organizations were opposed to the trade because the District would have had to relinquish land that contained wetlands, nesting areas and old-growth trees. Furthermore, the organizations argued that Mittal's 31 acres were neither high-quality lands nor adjacent to any existing forest preserve land.<sup>14</sup>

Although the deal was ultimately defeated, some Commissioners were in favor of selling forest preserve land in order to create additional jobs for County residents. During the debate, Commissioner Deborah Sims described the dilemma she faced as someone sworn to represent two divergent interests: "Sure, I want to see us acquire more acreage for our forest preserves, but I also have a responsibility to be sure the south suburban area does not continue to deteriorate and to bring as much economic growth as I can."<sup>15</sup>

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<sup>13</sup> Ibid.

<sup>14</sup> Mike Nolan, "County to Consider Land Swap: Steel Mill Wants to Expand into Forest Preserve," *Daily Southtown*, May 4, 2005.

<sup>15</sup> Steve Patterson, "Bid for County Land Splits Officials," *Chicago Sun-Times*, April 25, 2005.

As Commissioner Mike Quigley acknowledged, “Our land is extremely valuable – we can probably make a lot of money selling it off.”<sup>16</sup> Recognizing the conflict, he went on to say: “But how much are we willing to trade off? The next guy who wants to build a Starbucks in Schaumburg – do we sell to him because he’ll be creating jobs in a big mall?”<sup>17</sup>

The Commissioners faced a similar situation 10 years earlier when Acme Steel requested a land swap with the District in order to expand its steel operations and create new jobs. A citizens’ advisory panel put together by the District rejected the request, stating that the creation of private sector jobs was not part of the District’s mission.<sup>18</sup> The rejection of this request contributed to the eventual closing of the Acme plant. As a result, the Village of Riverdale reportedly lost nearly 1,800 jobs and \$1 million in tax revenue.<sup>19</sup>

Both of the land swap proposals illustrate the dilemma faced by Commissioners who, as both representatives of the County and the District, are forced to “wear two hats.” Agreeing to either land swap proposal would have violated the Commissioners’ responsibility to the forest preserves.<sup>20</sup> According to the District’s 1962 Land Policy, Commissioners have been “under constant recurring pressure from well meaning...organizations to use the lands for purposes distinct from the original intent.”<sup>21</sup> The Policy goes on to state that these requests “...are not within the legal powers of the Board of Commissioners to provide.”<sup>22</sup> While the 2004 version of the District’s Land Policy does not specifically speak to land swap proposals, it does state that the District may not transfer land for a purpose that would be inconsistent with the District’s mission,<sup>23</sup> which is to “protect...and preserve...the flora, fauna and scenic beauties within such district,” as set forth in 70 ILCS 810/7.

While ultimately upholding their responsibility as Forest Preserve Commissioners by rejecting both land swap deals, the Commissioners were forced to compromise their responsibility as Cook County Commissioners since they did not act to prevent the loss of valuable jobs and tax dollars. According to the County’s own major goals, the Commissioners are responsible for creating partnerships with “public and private sector organizations” for the purpose of attracting and retaining businesses that will create “sustainable wage jobs in globally competitive industries, bolstering the County’s economic base.”<sup>24</sup> Reasonable minds can make a case for why the Commissioners should have voted either for or against the land swap proposals. However, it is clear that the current structure of the board created this conflict of interest.

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<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Stanley Ziemba, “Plant Seeks Swap to Expand,” *Chicago Tribune*, June 9, 2005.

<sup>19</sup> Ibid.

<sup>20</sup> 70 ILCS 810/7 states the purpose of the forest preserve district is to “protect... and preserve... the flora, fauna and scenic beauties within such district.”

<sup>21</sup> Forest Preserve District of Cook County “Land Policy” 5 (1962).

<sup>22</sup> Ibid.

<sup>23</sup> Code of the Forest Preserve District of Cook County, Title II, Chapter 5, § 4. Forest Preserve District Land Policy (Approved November 4, 2004).

<sup>24</sup> Cook County Executive Budget Recommendation FY 2008 p. iii.

- **Sale of District land to the Village of Rosemont**

Commissioners faced another difficult possession issue in 1999 when the Village of Rosemont requested that the District sell 2.4 acres of District land in order to facilitate the expansion of the Village's convention center.<sup>25</sup> The Commissioners agreed to the sale,<sup>26</sup> and for \$2.9 million they sold the "non-surplus" District land to Rosemont.<sup>27</sup>

This sale is noteworthy because, while the District's Land Policy allows for the sale of surplus land, it forbids the sale of non-surplus land.<sup>28</sup> According to the Code of the Forest Preserve District of Cook County, surplus land is designated as "isolated tracts smaller than one acre, not now connected or impossible to connect with the main system of Forest preserves."<sup>29</sup> In 1985 District officials designated 30 parcels of land as "surplus," meaning they were authorized to be sold.<sup>30</sup>

The Rosemont sale marked the first and only time in the history of the District that land specifically set aside for preservation, and thus designated as "non-surplus," was sold.<sup>31</sup> While the sale may have benefited the County, as conventions typically yield substantial amounts of tourist dollars, it explicitly violated the land policy that prohibits Commissioners from transferring the title of non-surplus District lands.<sup>32</sup>

- **Transfer of funds from the District to the County**

In March of 2001, the Commissioners unanimously voted to *permanently* transfer \$8 million of County funds to the District in an effort to help the District alleviate its then \$21-million deficit. The District's Corporate Fund deficit had been concealed by transferring money to it from the restricted Land Acquisition and Construction funds.<sup>33</sup> The language that codified the transfer from the County stipulated that "the funds be permanently transferred to the Forest Preserve District to immediately replenish the Working Cash Fund."<sup>34</sup>

In September of 2002, the Commissioners unanimously approved another *permanent* transfer of funds from the County to the District, this time in the amount of \$5 million. The language that codified this transfer agreement said that due to the County's "prudent financial stewardship" it

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<sup>25</sup> Tim Novak, "Don't Sell to Rosemont, Forest Officials Urged," *Chicago Sun-Times*, June 9, 1999.

<sup>26</sup> Stanley Ziemba, "Plant Seeks Swap to Expand," *Chicago Tribune*, June 9, 2005.

<sup>27</sup> Mike Nolan, "County to Consider Land Swap: Steel Mill Wants to Expand into Forest Preserve," *Daily Southtown*, May 4, 2005.

<sup>28</sup> Forest Preserve District of Cook County "Land Policy" 11 (1962).

<sup>29</sup> Ordinance Amendment for Section I, Title II of the Code of Cook County Forest Preserve District, Cook County Forest Preserve Lands & Property, Chapter 5.

<sup>30</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 22 (2002).

<sup>31</sup> Mike Nolan, "County to Consider Land Swap: Steel Mill Wants to Expand into Forest Preserve," *Daily Southtown*, May 4, 2005.

<sup>32</sup> Forest Preserve District of Cook County "Land Policy" 12 (1962).

<sup>33</sup> Abdon Pallasch, "Forest Preserve Deficit is Worse Than Thought," *Chicago Sun-Times*, March 21, 2001.

<sup>34</sup> Cook County Board of Commissioners Resolution Regarding Transfer of Funds to the Forest Preserve District of Cook County, Item #9 (March 20, 2001).

was able to “permanently transfer \$5 million... to the Forest Preserve District.”<sup>35</sup> The resolution characterized the monies in question as “unbudgeted surplus funds.”<sup>36</sup> The two permanent transfers from the County to the District totaled slightly more than \$13 million.

In February of 2007, the Commissioners approved a \$13.3 million transfer of District funds to the County to help balance the County’s budget.<sup>37</sup> This money was transferred to the County from the District’s Capital Improvement Fund, which was said to contain \$22 million. As part of the final agreement, the County agreed to transfer \$13 million worth of land to the District by the close of the 2008 fiscal year.<sup>38</sup>

District officials and Commissioners provided two justifications for their decision to approve the transfer. First, district officials maintained that there were no immediate plans for spending the monies in the Capital Improvement Fund.<sup>39</sup> Second, despite the existence of the explicit language to the contrary in the ordinances approving the initial transfers from the County to the District, some Commissioners claimed those transfers were never intended to be permanent.<sup>40</sup> Cook County Board President Todd Stroger characterized the two transfers to the District as loans that the District would repay to the County.<sup>41</sup> Commissioner Gregg Goslin said it “defied logic to think that anyone would support a transfer that was not going to be repaid.”<sup>42</sup> Along similar lines, Commissioner Sims demonstrated that the County’s financial needs took precedence over the District’s when she said “[w]e’re not going to put trees over people.”<sup>43</sup>

- **Granting the Village of Morton Grove a permanent easement over District lands**

The conflict of interest faced by the Commissioners was further illustrated when they were asked to decide whether to grant a highway easement for the purpose of alleviating traffic congestion. In 2000 the Commissioners voted to approve the Village of Morton Grove’s request to establish a permanent highway easement for a temporary road constructed on District lands.<sup>44</sup> The roadway in question was created during an earlier construction project in order to alleviate traffic congestion caused by the project and was initially approved with the understanding that it would be a temporary measure.<sup>45</sup> Morton Grove residents enjoyed the benefits of an additional roadway, such as decreased congestion on a nearby road, so they successfully lobbied for the

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<sup>35</sup> Cook County Board of Commissioners Resolution Regarding Transfer of Funds to the Forest Preserve District of Cook County, Item #5 (September 3, 2002).

<sup>36</sup> Ibid.

<sup>37</sup> Forest Preserve District of Cook County Board of Commissioners Resolution Regarding Transfer of Funds to Cook County, Item #9, (February 7, 2007).

<sup>38</sup> Forest Preserve District of Cook County Board of Commissioners Resolution Regarding Transfer of Funds to Cook County, Item #9, (February 7, 2007).

<sup>39</sup> Jonathan Lipman, “Stroger, Quigley ‘Part Ways’ Over Forest Preserve Cash,” *Daily Southtown*, February 8, 2007.

<sup>40</sup> Jonathan Lipman, “Stroger, Quigley ‘Part Ways’ Over Forest Preserve Cash,” *Daily Southtown*, February 8, 2007.

<sup>41</sup> Steve Patterson, “County Takes a Shot at 10-cent-a-bullet Tax: Stroger Wins Shouting Match, OK to Transfer \$13 mil. From Forests,” *Chicago Sun-Times*, February 8, 2007.

<sup>42</sup> Jonathan Lipman, “Stroger, Quigley ‘Part Ways’ Over Forest Preserve Cash,” *Daily Southtown*, February 8, 2007.

<sup>43</sup> Mickey Ciokajlo, “County Board Transfers Preserves Money,” *Chicago Tribune*, February 8, 2007.

<sup>44</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 50-51 (2002).

<sup>45</sup> Ibid., 50.

permanent easement from the District to maintain the additional roadway in perpetuity.<sup>46</sup> While reducing congestion on other county roadways benefits residents, the District’s 1962 Land Policy states that possession of District lands, either legal or actual, may be granted only for “essential” highway needs.<sup>47</sup>

None of the aforementioned conflicts are isolated incidents. Already in 2008 Commissioners are considering requests for more than 10 acres of District land for a hotel project in Wheeling<sup>48</sup> and more than eight acres of land in the Deer Grove Forest Preserve to expand Quentin Road.<sup>49</sup>

**THE CURRENT BOARD STRUCTURE IS FAILING THE FOREST PRESERVE DISTRICT BECAUSE IT INHIBITS PROPER OVERSIGHT**

Commissioners are appropriately required to spend great amounts of time dealing with issues pertinent to their County oversight duties, including repairing one of the largest public health systems in the nation, operating the nation’s second-largest unified trial court system and reducing the County’s huge structural deficit. These time-consuming issues leave the Commissioners little time to focus on the needs of the District and inhibit their ability to properly manage the District.

This situation is illustrated by the allocation of meeting time between County issues and District issues. As an example, in 2007 the Commissioners met 33 times to discuss County issues, while meeting only 11 times to discuss issues pertinent to the District.<sup>50</sup> While having the County Board meet three times more than the District Board is unusual, from 2003 through 2006 the County Board met twice as many times than the Forest Preserve Board.

<b>Cook County Board Meetings: County v. Forest Preserve District</b>						
<b>2003 - 2008</b>						
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008*</b>
<b>County</b>	23	23	24	26	33	22
<b>Forest Preserve District</b>	11	11	11	11	11	11

\*Proposed Meeting Dates

Source: Cook County Clerk Office and Cook County Forest Preserve District

In contrast to the Forest Preserve District of Cook County Board, the Forest Preserve District of DuPage County Board of Commissioners met 50 times in 2007 to manage a district that is approximately one-third the size of the Forest Preserve District of Cook County.<sup>51</sup> As shown in the figure below, between 2003 and 2006 the DuPage District Board met an average of 47.5

<sup>46</sup> Ibid., 50.

<sup>47</sup> Forest Preserve District of Cook County, Illinois “Land Policy” 12 (1962).

<sup>48</sup> Forest Preserve District of Cook County Real Estate Committee Meeting, December 12, 2007.

<sup>49</sup> Forest Preserve District of Cook County Real Estate Committee Meeting, February 6, 2008.

<sup>50</sup> Cook County Clerk’s Office Website – Board Meetings Archive 2007 Meeting Dates at [http://www.cookctclerk.com/sub/meetings\\_archive.asp?year=2007](http://www.cookctclerk.com/sub/meetings_archive.asp?year=2007) (last visited on January 8, 2008); Forest Preserve District of Cook County Meeting Dates and Agendas 2007 at [http://www.fpdcc.com/tier3.php?release\\_id=390](http://www.fpdcc.com/tier3.php?release_id=390) (last visited on January 8, 2008).

<sup>51</sup> Forest Preserve District of DuPage County Meeting Schedules at <http://www.dupageforest.com/commission/agenda.php> (last visited on January 10, 2008).

times a year and is scheduled to meet another 46 times in 2008.<sup>52</sup> While half of the Forest Preserve District of DuPage County's meetings are planning sessions and the other half are commission meetings, board members are required to attend both.

<b>Forest Preserve District Board Meetings: DuPage County v. Cook County</b>						
<b>2003 - 2008</b>						
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008*</b>
<b>DuPage County</b>	47	48	48	47	50	46
<b>Cook County</b>	11	11	11	11	11	11

\*Proposed Meeting Dates

Source: DuPage County and Cook County Forest Preserve Districts

The situation of the current board structure inhibiting proper oversight is illustrated by the decision to not proceed with plans to create a Human Resources (HR) department for the District. The FY2007 proposed budget called for the creation of a new HR department, which would have no longer required the District to share HR services with Cook County.<sup>53</sup> However, during the budget process Commissioners decided to eliminate the plans for creating a HR department.<sup>54</sup> The District continued with its former process of sharing human resource duties between the County's HR department and their own Finance and Administration department.<sup>55</sup>

The General Superintendent of the District should oversee all District personnel decisions. Yet without a separate HR department, he is unable to exercise control over all District hiring decisions and employee matters. The creation of a separate HR department reflected a commitment to improve the management structure within the District and aid General Superintendent Steven Bylina's reform efforts. However, the Commissioners' allowance of the elimination of the District's HR department not only reveals a significant management oversight on their part, it also illustrates their lack of consistency in how they handle County versus District matters.

If a separate board were created to oversee the District, the Cook County Commissioners would have more time to spend on County health and public safety issues. At the same time, the District would benefit from having commissioners who are able to devote more time to the management of the forest preserves.

<sup>52</sup> Forest Preserve District of DuPage County Meeting Schedules at <http://www.dupageforest.com/commission/agenda.php> (last visited on January 10, 2008); Forest Preserve District of DuPage County Resolutions 02-594, 03-459, 04-335, 05-326, 07-300.

<sup>53</sup> Forest Preserve District of Cook County Executive Budget Recommendation FY 2007 p. 7.

<sup>54</sup> Personal communication between the Civic Federation and Marlow Kemp, Chief Financial Officer of the Forest Preserve District of Cook County, October 17, 2007.

<sup>55</sup> Personal communication between the Civic Federation and Marlow Kemp, Chief Financial Officer of the Forest Preserve District of Cook County, October 17, 2007.

## THE DISTRICT SUFFERS FROM NUMEROUS PROBLEMS BECAUSE OF THE BOARD'S CONFLICT OF INTEREST AND LACK OF PROPER OVERSIGHT

Due to structural deficiencies that create an inherent conflict of interest and prevent proper oversight, the District has experienced numerous problems. Key problem areas include finances, land management and land retention.

- **Failure to address the District's financial difficulties**

In 2001 Commissioners learned that the District had accrued a \$21 million deficit.<sup>56</sup> They also discovered that the existence of this deficit had been concealed by District employees through the transfer of funds from the District's Land Acquisition and Construction funds to the Corporate Fund.<sup>57</sup> During this period \$8.2 million was diverted from the District's Land Acquisition Fund and \$1.2 million was transferred from the Construction Fund to cover basic operating expenses, such as payroll.<sup>58</sup>

The stated causes of the District's financial difficulties ranged from a spend-down of District reserves in the early 1990s to the introduction of the Property Tax Extension Limitation Law, a law that creates what are commonly referred to as "tax caps".<sup>59</sup> In a report issued in March of 2001, Clark Burrus, a former executive at First Chicago Bank who was asked to examine the finances of the District and propose improvements, cited an additional four reasons for the District's financial difficulties: 1) non-repayment of monies to the Working Cash Fund; 2) non-repayment of loans from other district funds; 3) unrealistic budget revenue estimates; and 4) ongoing negative fund balances.<sup>60</sup> Mr. Burrus' report found that FY1999 estimated revenues were "unreasonably optimistic," exceeding actual revenues by 18.7%.<sup>61</sup>

Consequences of these actions were felt across the District. One hundred and 38 full- and part-time positions were slated to be eliminated in the District's FY2002 budget.<sup>62</sup> Additionally, land preservation organizations alleged that land may not have been purchased due to the diversion of funds from the Land Acquisition Fund.<sup>63</sup> A study done by Commissioner Mike Quigley found \$95 million worth of deferred maintenance costs at the beginning of FY2001 for the Brookfield Zoo, the Chicago Botanic Garden and the District.<sup>64</sup> In the wake of these financial revelations,

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<sup>56</sup> Clark Burrus, "Forest Preserve District of Cook County: Financial Status and Management Analysis" 9 (March 9, 2001).

<sup>57</sup> Abdon Pallasch, "Forest Preserve's 'Balanced Budgets' Concealed Deficit," *Chicago Sun-Times*, February 28, 2001.

<sup>58</sup> Shamus Toomey, "Forest Preserve Finances Scrutinized," *Daily Herald*, March 21, 2001; Clark Burrus, "Forest Preserve District of Cook County: Financial Status and Management Analysis" 9.

<sup>59</sup> The Property Tax Extension Limitation Law (or "tax caps"), limits a taxing body's annual property tax extension increase to 5% or the rate of inflation, whichever is less (35 ILCS 200/18-185 through 35 ILCS 200/18-245). For details see <http://www.revenue.state.il.us/LocalGovernment/PropertyTax/ptell.htm>.

<sup>60</sup> Clark Burrus, "Forest Preserve District of Cook County: Financial Status and Management Analysis" 1 (March 9, 2001).

<sup>61</sup> *Ibid.*, 8.

<sup>62</sup> Forest Preserve District of Cook County FY2003 Budget Recommendations, 5.

<sup>63</sup> Abdon Pallasch, "Forest Preserve's 'Balanced Budgets' Concealed Deficit," *Chicago Sun-Times*, February 28, 2001.

<sup>64</sup> Mike Quigley, "Fiscal Strategies for the Cook County Forest Preserve District" p. 1 (February 2001).

the District's finance director resigned.<sup>65</sup> Then-General Superintendent Joseph Neuvis resigned two years later amid calls for his replacement, in part due to his handling of the District's financial crisis.<sup>66</sup> During the disclosure of the \$21 million deficit, an editorial in *Crain's Chicago Business* stated that "[n]early everything that's wrong about government-run businesses can be found in the Cook County Forest Preserve's unfolding financial mismanagement disaster."<sup>67</sup>

In addition to an accrued deficit, the District has never issued a bond referendum to raise funds for capital projects. While it is difficult to persuade voters to approve bond referenda to pay for capital projects, an action requiring tax increases,<sup>68</sup> Collar County forest preserve districts have been very successful at securing approval for the issuance of new bonds via votes of the people since 1996:

- The Forest Preserve District of DuPage County successfully passed three bond referenda since 1996, including measures for \$75 million in 1997, \$68 million in 2006 and \$75 million in 2007;
- The Forest Preserve District of Kane County passed three bond referenda since 1996, including measures for \$70 million in 1999, \$75 million in 2005 and \$85 million in 2007;
- The Forest Preserve District of Will County passed a bond referendum in 1999 for \$70 million and another in 2005 for \$95 million;
- Lake County's forest preserve district passed a bond referendum in 1999 for \$55 million, followed by another referendum the following year for \$85 million; and
- Kendall County recently passed two bond referenda for its forest preserve district. In 2002 Kendall County residents approved a \$5 million bond measure, and in 2007 the residents approved a \$45 million bond referendum. The money levied for each referendum was specifically designated for land acquisition and development.<sup>69</sup>

Since 1996 five Collar County forest preserve districts have passed a total of 12 bond referenda for a total of \$803 million. These successful bond referenda are an indication that Collar County forest preserve district electorates had confidence in the management of their governments and as a result they were willing to pay more in taxes in order to preserve and expand the forest preserve districts' holdings.

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<sup>65</sup> Abdon Pallasch, "Forest Preserve's 'Balanced Budgets' Concealed Deficit," *Chicago Sun-Times*, February 28, 2001.

<sup>66</sup> Emily Dagostino, "Forest Preserve Superintendent Resigns," *Medill News Service*, January 23, 2003.

<sup>67</sup> Editorial, "Saving Forest Preserves by Chopping, Replanting," *Crain's Chicago Business*, March 5, 2001.

<sup>68</sup> Bond referenda in Cook County and DuPage County had roughly a 60% success rate during the three-year period from February 2005 to February 2008. Available data showed a 61% overall success rate for bond referenda in Cook County and a 56% overall success rate for bond referenda in DuPage County. It should be noted that not all of the bond referenda results are available online, so these percentages are approximations. Cook County Clerk's Office, "Election Results," [http://www.voterinfonet.com/sub/election\\_results.asp](http://www.voterinfonet.com/sub/election_results.asp); DuPage County Election Commission, "Election Results," <http://www.dupageresults1.com/>; DuPage County Election Commission, "Candidate List and Propositions," <http://cms.dupageelections.com/pages.asp?pageid=223>.

<sup>69</sup> The Conservation Foundation website. "Open Space Referenda Passed" at [http://www.theconservationfoundation.org/index.php?option=com\\_content&task=view&id=70&Itemid=40](http://www.theconservationfoundation.org/index.php?option=com_content&task=view&id=70&Itemid=40) (last visited February 8, 2008).

In contrast to the actions taken by the Collar County forest preserve districts, the Forest Preserve District of Cook County has never been willing to place a bond referendum on the countywide ballot, citing the cost and difficulty of winning voter approval. Cook County Chief Financial Officer Tom Glaser noted in 2004, “We’re not sure that we could get a consensus countywide.”<sup>70</sup>

Rather than seek a referendum, the Forest Preserve District lobbied the General Assembly to give the District the ability to issue new bonds for capital improvements in the forest preserves, the Botanic Garden and the Zoo. The legislature and Governor concurred, and the Cook County Forest Preserve District Act was amended to allow the District to issue bonds up to \$52 million and \$32 million for the Zoo and the Botanic Garden, respectively, as well as \$50 million for the District itself.<sup>71</sup>

After the legislation was enacted, President John Stroger, Jr. and the Board of Commissioners approved the issuance of \$100 million in new bonds for capital improvements and major repairs to the forest preserves, Botanic Garden and Zoo, and a corresponding property tax increase to pay for the new debt.<sup>72</sup> The measure was approved in October 2004.<sup>73</sup>

- **Inadequate adherence to transparent financial procedures**

In 2003 the review period for the District’s FY2004 budget was limited to four days for both the Commissioners and the general public. Additionally, the public hearing for the District’s FY2004 budget was scheduled during the review period for the County’s controversial FY2004 budget, which contained a \$100 million deficit.

A year later, the District failed to publish a schedule for departmental or public hearings when the FY2005 budget was initially released. It took nearly four weeks after the budget’s official release for a public meeting schedule to be issued. This action may have violated Illinois’ Truth in Taxation Act because the District failed to hold a public hearing on the property tax levy increase within the required time frame.<sup>74</sup> A further indication of the problem, during budget discussions Commissioner Joseph Mario Moreno proposed eliminating the public comment period altogether for the District’s FY2005 budget.<sup>75</sup>

For its FY2007 budget, the District only allowed five working days between the release of the budget and the one day of scheduled public testimony.<sup>76</sup>

The District has also failed to produce its Comprehensive Annual Financial Reports (CAFRs) in a timely manner. According to the Government Finance Officers Association (GFOA), the best practice for producing a CAFR is within six months of the close of the government’s fiscal

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<sup>70</sup> Elizabeth Carvlin, “Cook County Forest District Weighs First New Deal Since ’96”, *The Bond Buyer*, August 31, 2004.

<sup>71</sup> Cook County Forest Preserve District Act. 70 ILCS § 810/21.2; 810/42; 810/44.1.

<sup>72</sup> Rob Olmstead, “Forest District Ready to Borrow Now, Ask Later,” *Daily Herald*, September 28, 2004.

<sup>73</sup> Shamus Toomey, “\$100 Million Plan OKd By Forest District,” *Chicago Sun-Times*, October 7, 2004.

<sup>74</sup> 35 ILCS 200/18-70.

<sup>75</sup> Steve Patterson, “Forest District Tax Hike to Pay for Hefty Raises,” *Chicago Sun-Times*, January 9, 2005.

<sup>76</sup> The Civic Federation, “Forest Preserve District of Cook County FY2007 Proposed Budget: Analysis and Recommendations,” 4 (November 1, 2006).

year.<sup>77</sup> The District's FY2004 CAFR was not publicly released until November 2005, nearly 11 months after the close of the fiscal year. The District did not produce its FY2006 CAFR until 10 months after the close of the fiscal year.

- **Failure to develop a Capital Improvement Plan until after approving a \$100m bond issue**

In October of 2004 the District Board approved the issuance of \$100 million in bonds for capital improvements in the forest preserves, the Chicago Botanic Garden and the Brookfield Zoo.<sup>78</sup> However, the decision to issue bonds was made in the absence of a Capital Improvement Plan. The lack of a plan prevented the public from assessing the feasibility or prioritization of the proposed projects, and also denied the Commissioners the information they needed in order to make a decision about whether the bond issue was appropriate.

Of the \$100 million in bond proceeds, approximately \$50 million was designated for capital improvements within the forest preserves, \$25 million was designated for the Brookfield Zoo and \$25 million was designated for the Chicago Botanic Garden.<sup>79</sup> The District's budget provided only a summary list of projects and funding sources for planned improvements in the forest preserves and did not disclose plans for improvements in the Zoo and Botanic Garden. Although the funds were provided courtesy of the taxpayers, the District offered few details on its complete capital spending plan and thus gave no rational justification for the \$5.9 million property tax increase earmarked for debt service on the bond issue.

According to the proposed budget, \$8.6 million, roughly 17% of the total bond-funded capital improvements planned for the forest preserves, was to be spent on three line items: construction of parking lots, repairs and improvements on the general and division headquarters buildings, and improvements on the River Forest Headquarters and maintenance facility.<sup>80</sup>

Given the poor condition of many Forest Preserve District facilities at the time of this proposal, these capital project funding priorities were questioned by civic organizations and citizens alike.<sup>81</sup> While the District has since heeded calls from the Civic Federation and issued two Capital Improvement Plans for public inspection, the taxpaying public still has not been given a clear explanation of how these particular funding priorities were developed.<sup>82</sup>

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<sup>77</sup> GFOA Certificate of Achievement for Excellence in Financial Reporting Program Eligibility Requirements at <http://www.gfoa.org/downloads/CAFREligibility.pdf> (last visited on January 29, 2008).

<sup>78</sup> Shamus Toomey, "\$100 Million Plan OK'd By Forest District," *Chicago Sun-Times*, October 7, 2004.

<sup>79</sup> Mickey Ciokajlo, "Cook County Mulls Ways to Pay Forest Bonds," *Chicago Tribune*, September 28, 2004.

<sup>80</sup> Forest Preserve District of Cook County Executive Budget Recommendation FY 2005 p. 63.

<sup>81</sup> Elizabeth Carvlin, "Cook County Forest Board Gives Sale Initial OK," *The Bond Buyer Online*, September 27, 2004.

<sup>82</sup> Forest Preserve District of Cook County Capital Improvement Plan for FY2007 (Revised 10-24-2006) and FY2008.

- **Inadequate land management**

A 2001 study conducted by Friends of the Forest Preserves, the Sierra Club and the National Audubon Society concluded that 68% of the District's lands were "poor quality."<sup>83</sup> The study defined "poor quality" as land that is "losing its value for ecosystem services, recreation and aesthetics," adding that if it is "continually neglected it could lose its natural character and restorability."<sup>84</sup> On the other hand, the study found that only 3% of the District's lands were "very high quality," meaning they maintained diverse species and excellent ecological health.<sup>85</sup>

The study also noted that soil cover on District lands had diminished over time. In 2001, the average amount of bare ground per plot was 57% to 70%.<sup>86</sup> According to the authors of the study, a healthy forest should not exceed an average of 15% of bare ground per plot.<sup>87</sup>

One reason a large percentage of District lands were characterized as poor quality was the pervasive growth of invasive plants. The 2001 study identified the most common plants found on District lands, including "buckthorn, tall goldenrod, Hungarian brome, Kentucky bluegrass, garlic mustard, tall fescue and grey dogwood – all of which are either sources or indicators of ecological distress."<sup>88</sup> These plants crowd out diverse native species, further damaging the District's land and reducing its value as habitat for plants and animals.<sup>89</sup> Buckthorn, like other invasives, "grows rapidly and chokes out native plants with its dense shade."<sup>90</sup> It also alters the landscape that certain animals rely on for sustenance and habitat.<sup>91</sup> While it is possible to control the spread of buckthorn and other invasive plants, the District's lack of care of its lands has resulted in the prevalence of these plants and the alteration of the forest preserves' natural landscape.

One proven method for controlling the spread of invasive species is the practice of controlled burns. Controlled burns reduce the number of aggressive, non-native plants, while simultaneously improving soil fertility and the overall condition of a habitat.<sup>92</sup> According to the Forest Service division of the USDA, controlled fire "...is vital to the life cycles of fire-dependent range and forest lands."<sup>93</sup> Most of the lands owned by the District are fire-dependent.<sup>94</sup> According to the Chicago Wilderness organization, a consortium of more than 200 organizations dedicated to ecological conservation (and including all local forest preserve

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<sup>83</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 72, 75 (2002).

<sup>84</sup> *Ibid.*, 75.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*, 80.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*, 81.

<sup>89</sup> *Ibid.*

<sup>90</sup> Lisa Black, "Winter Is Perfect Time to Clear Buckthorn," *Chicago Tribune*, January 25, 2008.

<sup>91</sup> *Ibid.*

<sup>92</sup> Wayne Vanderplog, FPDCC Resource Ecologist. "FPDCC Staff Paper on the Effects of Fires in Wooded Areas" 2004.

<sup>93</sup> USDA Forest Service website, at [http://www.fs.fed.us/fire/fireuse/rxfire/rx\\_index.html](http://www.fs.fed.us/fire/fireuse/rxfire/rx_index.html) (last visited on January 25, 2008).

<sup>94</sup> Northeastern Illinois Planning Commission, "Building a Regional Framework: Guiding Development to Protect Our Natural Resources," (October 2001).

districts), controlled burns are an important tool to help preserve a healthy ecosystem in the Chicago region. When done properly, forest preserve districts can minimize any potential negative impacts associated with the practice of burning.<sup>95</sup>

In 1996 reports about the controversy surrounding ecological restoration practices, including controlled burns, led to protests against their use from residents in many local counties.<sup>96</sup> While the scientific community and restoration professionals in the field supported the use of ecological restoration programs of this nature, the forest preserve district boards of Cook, DuPage and Lake counties all took action to heed the concerns of their citizens.

Lake County's forest preserve district, the smallest of the districts listed above, held educational hearings on the benefits and consequences of restoration practices, made appropriate adjustments to their practices to satisfy resident requests, and ultimately continued its restoration program without a hiatus. The Forest Preserve District of DuPage County placed a moratorium on its restoration work, but then held educational hearings similar to those of Lake County. Once a greater understanding of the restoration practices was passed along to its citizens, DuPage County was able to resume its full restoration program within a few months of the initial moratorium.

The Forest Preserve District of Cook County also placed a moratorium on restoration when controversy arose from nearby residents.<sup>97</sup> Yet unlike other local forest preserve districts which held seminars to educate the community on restoration issues, the Forest Preserve District of Cook County chose to maintain its moratorium while gradually resuming its restoration practices over the course of many years. For some key sites, the moratorium on brush control, burns and other restoration lasted 10 years.<sup>98</sup> During this period many qualified staff members and volunteers left the District's restoration program and major land degradation occurred on District lands. The District's current General Superintendent Steven Bylina acknowledged that many lands have become overgrown with invasive species due to this inactivity.<sup>99</sup>

Published reports also point to the District's poor land management in high public use areas. Multiple newspaper editorials have characterized the conditions at the forest preserves as deplorable, citing ankle-high grass, overflowing garbage cans, filthy bathroom facilities, poor signage and unkempt trails.<sup>100</sup>

The decline of Cook County's forest preserves over the course of the 20<sup>th</sup> century has not gone unnoticed by those who utilize the lands. In 2001 Friends of the Forest Preserves, along with

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<sup>95</sup> Chicago Wilderness Consortium, "Natural Fire and Controlled Burning in the Chicago Wilderness Region: A Model Policy," 1.

<sup>96</sup> Mickey Ciokajlo, "Burn Moratorium Lifted at Five Forest Preserve Sites," *Chicago Tribune*, October 4, 2006.

<sup>97</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 70 (2002).

<sup>98</sup> Mickey Ciokajlo, "Burn Moratorium Lifted at Five Forest Preserve Sites," *Chicago Tribune*, October 4, 2006.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Chicago Sun-Times* Editorial, "Forest Preserves Lost in the Woods," March 2, 2001; *Chicago Tribune* Editorial, "Cook's Trashy Forest Preserves...and Flabby Patronage Arm," September 27, 2002; *Chicago Sun-Times* Editorial, "Buds Poisoning Forest Preserves," October 11, 2002; *The Star* Editorial, "Our Forest Preserves Need Help, and Soon," November 6, 2003.

Friends of the Parks, conducted a visitors' survey and discovered that a large majority of the forest preserve users surveyed felt the District was unresponsive to public needs and should acquire more land.<sup>101</sup> When visitors were asked to assign a letter grade to the entire operation, the preserves received a C+.<sup>102</sup> While General Superintendent Steven Bylina has substantially improved both the forest preserves and management within the District since he was appointed in 2003, the installation of a separate Board of Commissioners could provide him with additional support to continue the improvement efforts.

Other local forest preserve districts experienced similarly alarming trends due to the effects of lax maintenance, but they have taken major action over recent years to address the problems. The Forest Preserve District of DuPage County released a report that detailed the incursion of invasive species and the detrimental effects of those species on their lands.<sup>103</sup> In order to address the problem, the District created an \$11 million "Natural Areas Management Program" which has been in place since 1993.<sup>104</sup>

- **Slow rate of land acquisition**

In addition to neglecting the lands it currently owns, the District has been acquiring new land at a slower rate than both its own previous rate of acquisition and the current rate of acquisition in surrounding counties.

In 2000 the Commissioners adopted the District's first Land Acquisition Plan, which was largely based upon the work done during a 1994 project.<sup>105</sup> The plan identified more than 40,000 acres of land within Cook County that were "potentially suitable as open space acquisitions."<sup>106</sup> Today, the Forest Preserve District of Cook County staff estimates that possibly half of the 40,000 acres identified in the 2000 Land Acquisition Plan remain undeveloped.<sup>107</sup> Of the undeveloped lands, approximately 1,000 acres are higher-quality acres containing remnant natural areas, which the District places a priority on purchasing.<sup>108</sup> While the cost of each parcel of land varies greatly, the per-acre estimate ranges between \$75,000 and \$300,000 for much of the available land.<sup>109</sup> Despite the presence of a Land Acquisition Plan and the availability of high-quality lands, the Board has only acquired 339 acres since 1999.<sup>110</sup> Between 1993 and 1998, the District acquired a total of 300 acres of land.<sup>111</sup>

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<sup>101</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase I*, 27 (2002).

<sup>102</sup> *Ibid.*, at 33.

<sup>103</sup> Friends of the Forest Preserves & Friends of the Parks, *The Forest Preserve District of Cook County: Study and Recommendations – Phase II*, 82 (2002).

<sup>104</sup> *Ibid.*

<sup>105</sup> Forest Preserve District of Cook County. *Land Acquisition Plan*. (As amended July 27, 2000).

<sup>106</sup> *Ibid.*

<sup>107</sup> Personal communication between Friends of the Forest Preserves and David Kircher, Chief Landscape Architect for the Forest Preserve District of Cook County, February 28, 2008.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> Personal Communication between the Civic Federation and David Kircher, Chief Landscape Architect for the Forest Preserve District of Cook County, on January 10, 2008. According to Mr. Kircher, the Forest Preserve District of Cook County currently owns a total of 68,523 acres.

<sup>111</sup> Mike Quigley, *Cook County Forest Preserve District: Rediscovering our Mission*. 4 (January 2002).

These numbers are in stark contrast to the average 700 acres of new land per year that the District acquired between 1960 and 1980.<sup>112</sup> It also differs greatly from the 2,516 acres the Forest Preserve District of DuPage County has acquired since 1998.<sup>113</sup> In 2006 alone, the Forest Preserve District of DuPage County acquired 466.8 acres of land - 127.8 acres more than the total number of acres the Forest Preserve District of Cook County had acquired in the previous eight years.<sup>114</sup>

Other surrounding forest preserve districts have been acquiring land at a higher rate than Cook County. Since 1998, Lake County Forest Preserve District has acquired approximately 6,324 acres<sup>115</sup> and Forest Preserve District of Will County has acquired 7,682 acres.<sup>116</sup>

- **Allowance of private use of public lands**

In 2004 District employee Albert Pritchett discovered that for 41 years the District had been allowing the Oak Park Tennis Club to operate on District property next to the District's headquarters, free of charge and without contractual protection from liabilities.<sup>117</sup>

In 2005 District employees released to the Commissioners the results of an internal study, which highlighted an additional 150 unauthorized uses of District land.<sup>118</sup> The most egregious example of use of public land for private gain highlighted in the report was that of the Riverdale Marina. According to a real estate administrator for the District, the Riverdale Marina "removed trees, constructed buildings, installed signs, dumped materials and parked boats on district property" without the consent of the District.<sup>119</sup> The Marina also constructed a parking lot, bridge and pier on District land.<sup>120</sup> District officials informed the Commissioners that unauthorized use of District land not only deprives citizens of the opportunity to use the land, but could also leave taxpayers open to potential liability costs if someone were injured during unauthorized activities.<sup>121</sup>

The latter point is especially relevant in light of another unauthorized land use highlighted in the report: the use of District lands for baseball fields without operating organizations obtaining the requisite permits. The report discussed the use of District lands for little league games run by park districts, such as the Chicago Heights Park District, which built a baseball field on District

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<sup>112</sup> Ibid.

<sup>113</sup> DuPage Forest Preserve District Comprehensive Annual Financial Report FY2007 (December 2007); Currently, the DuPage County Forest Preserve District owns 25,000 acres.

<sup>114</sup> DuPage Forest Preserve District Comprehensive Annual Financial Report FY2007 (December 2007).

<sup>115</sup> Personal communication between the Civic Federation and Ken Jones, Real Estate Records Manager for the Lake County Forest Preserve District, February 27, 2008.

<sup>116</sup> Personal communications between the Civic Federation and Bruce Hodgdon, Public Information Specialist for the Forest Preserve District of Will County, February 28, 2008.

<sup>117</sup> Chicago Tribune Editorial "Squandering the Forest Preserves," *Chicago Tribune*, May 5, 2004.

<sup>118</sup> Glen Leyden, "This Land is Our Land: Forest Preserve District Targets Illegal Use of Public Property," *The Star*, February 20, 2005.

<sup>119</sup> Ibid.

<sup>120</sup> Heist, Lauren, "Forest Preserve Wants to Take Back Land They Say is Theirs," *Medill News Service*, February 2, 2005.

<sup>121</sup> Glen Leyden, "This Land is Our Land: Forest Preserve District Targets Illegal Use of Public Property," *The Star*, February 20, 2005.

land without any request or notification.<sup>122</sup> Furthermore, the Park District would lock the baseball fields to prevent other citizens from using them after the games.<sup>123</sup> A Forest Preserve District official noted that if a child were struck with a baseball on one of the unauthorized fields on District land, the District could be held liable for damages stemming from these injuries.<sup>124</sup>

The District's staff members were adamant in their desire to remove those who encroached on District land.<sup>125</sup> The public also weighed in on the discussion. A 2004 *Chicago Tribune* editorial stated, "In a metropolitan area where open space is dwindling, growing numbers of interests are seeking the use or ownership of forest preserve parcels."<sup>126</sup> The editorial went on to say, "The granting of such special privileges is in direct violation of the purposes of the preserves, and of the law."<sup>127</sup> Despite public outrage, not all Commissioners were initially in favor of evicting unauthorized users. Commissioner Joan Patricia Murphy explained that she was hesitant to remove certain people, specifically children and seniors, who have enjoyed using District lands in this manner for numerous years.<sup>128</sup>

### **PRECEDENT – FOREST PRESERVE DISTRICT OF DUPAGE COUNTY LEGISLATION AND EFFECTS**

Creating a separate board of commissioners for a forest preserve district is not a unique idea. Citing a conflict of interest, the Illinois General Assembly approved legislation in 1996 that authorized the creation of a separate board of commissioners for the Forest Preserve District of DuPage County while simultaneously reducing the size of the DuPage County board from 24 to 18 members.<sup>129</sup> In 2002 DuPage County residents elected a separate board of commissioners for its Forest Preserve District, creating the first separate board for a forest preserve district in the state of Illinois.<sup>130</sup>

The change to the Downstate Forest Preserve Act that created the new DuPage board provides for a separate board when the population of a county reaches 800,000.<sup>131</sup> Will and Lake Counties will most likely reach that mark in the coming years.<sup>132</sup> Additionally, the state legislature cited the inherent conflicts of interest faced by DuPage Commissioners when deciding

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<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Heist, Lauren, "Forest Preserve Wants to Take Back Land They Say is Theirs," *Medill News Service*, February 2, 2005.

<sup>126</sup> Editorial, "Squandering the Forest Preserves," *Chicago Tribune*, May 5, 2004.

<sup>127</sup> Ibid.

<sup>128</sup> Glen Leyden, "This Land is Our Land: Forest Preserve District Targets Illegal Use of Public Property," *The Star*, February 20, 2005.

<sup>129</sup> Downstate Forest Preserve District Act. 70 ILCS 805/3c (1997); "Legislature OKs County-Preserve Split," *Chicago Sun-Times*, May 10, 1996.

<sup>130</sup> Dan Rozek, "Election Frenzy in DuPage Redistricting, New Forest Preserve Board Bring Out Many Hopefuls," *Chicago Sun-Times*, March 14, 2002.

<sup>131</sup> Downstate Forest Preserve District Act. 70 ILCS 805/3c (1997).

<sup>132</sup> United States Census Data at [http://factfinder.census.gov/home/saff/main.html?\\_lang=en](http://factfinder.census.gov/home/saff/main.html?_lang=en) (last visited on March 12, 2008). According to the website, the 2006 total population estimate for Lake County is 713,076, and for Will County it is 668,217.

whether to create a separate board.<sup>133</sup> These situations also apply to Cook County, which has more than five million people and experiences similar conflicts. However, the Forest Preserve District of Cook County is governed by its own unique state legislation and would therefore require its own amendment to state law in order to establish a separate governing body.<sup>134</sup>

According to Forest Preserve District of DuPage County president D. “Dewey” Pierotti Jr., the benefits of creating a separate board for its district have far outweighed the costs.<sup>135</sup> Some of the benefits Mr. Pierotti cites include the elimination of “political” land acquisitions. Mr. Pierotti believes that land-acquisition decisions are now based upon the benefits to the Forest Preserve District as a whole. Mr. Bill Weidner, director of the Office of Public Affairs for the Forest Preserve District of DuPage County, notes that in the years since the separation of the board, requests for special uses of forest preserve landholdings have greatly diminished.<sup>136</sup> He attributes the decline to a board fully committed to protecting open space as opposed to one that also has to accommodate the planning needs of the county.

Both men cite the smaller size of the new board as a benefit. Mr. Pierotti believes having a smaller number of board members makes it easier for citizens of DuPage County to hold the board members accountable for their decisions. Mr. Weidner describes a difference in the District’s operations as employees now report the value and purpose of each project to seven proponents of conservation versus to 24 elected officials of varied backgrounds and interests.

Mr. John “Ole” Oldenburg, the director of the Office of Natural Resources for the Forest Preserve District of DuPage County, echoes Mr. Pierotti’s and Mr. Weidner’s praises for the separate board structure.<sup>137</sup> Mr. Oldenburg states that the District’s previous board was so large that it required information to be dispersed through committees, on which various members served and attended related meetings. Currently, every board member attends both Planning and Commission meetings, which Mr. Oldenburg believes results in a more informed board. Mr. Oldenburg states that board members are now ambassadors for the District and are better able to advocate for specific policies that will benefit the forest preserves.

Furthermore, Mr. Oldenburg believes that the reason behind the high level of support of restoration proposals from the Office of Natural Resources is due to the commission’s comprehensive understanding of the District’s mission, vision and strategic planning needs. Since 2003, \$15 million has been spent by DuPage on restoration and management of the District’s natural resources. Mr. Oldenburg attributes this large amount of spending to the fact that full communication results in effective work. Mr. Oldenburg also notes that while his workload has increased since the creation of the new board, so has his job satisfaction.

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<sup>133</sup> State of Illinois 89<sup>th</sup> General Assembly House of Representatives Debate Transcription, March 28, 1996.

<sup>134</sup> The Forest Preserve District of Cook County is governed by the *Cook County Forest Preserve District Act*, 70 ILCS 810.

<sup>135</sup> Personal communication between the Civic Federation and Mr. D. Dewey Pierotti, president of the Forest Preserve District of DuPage County, February 12, 2008.

<sup>136</sup> Personal conversation between the Friends of the Forest Preserves and Mr. Bill Weidner, director of the Office of Public Affairs for the Forest Preserve District of DuPage County, February 2008.

<sup>137</sup> Personal communication between the Civic Federation and Mr. John “Ole” Oldenburg, director of the Office of Natural Resources for the Forest Preserve District of DuPage County, February 20, 2008.

## OUR RECOMMENDATIONS

The Civic Federation and Friends of the Forest Preserves recommend that a **separate** elected Board of Commissioners be created for the Forest Preserve District of Cook County. The new board will result in a new legislative body, but not a new government entity.

We recommend that the new board be comprised of five commissioners who are each selected via a county-wide, non-partisan election. The purpose of a non-partisan election is to afford the new commissioners the opportunity to focus on what is best for the forest preserves, rather than on party politics.

The President should be elected from among and by the members of the board. Commissioners should serve six-year, staggered terms. We also recommend that a prohibition be placed on District commissioners simultaneously holding another county-wide elected position while serving on the District board.

<b>Proposed Board of Commissioners for the Forest Preserve District of Cook County</b>	
<b>Number of Commissioners:</b>	5
<b>Election Type:</b>	County-wide; Non-Partisan Candidates
<b>Length of Term:</b>	6 years

It is important to note that the installation of a new, separate board for the District should not result in any additional costs for the District. Board positions should not be salaried and staff members should not be provided for commissioners given the entirely separate management structure already in place within the District. Forest Preserve District of DuPage County Commissioners operate without offices or staff members, with office support being provided to the Commissioners by either the President's or Executive Director's employees.<sup>138</sup>

A separate board will eliminate the current Commissioners' conflict of interest, while giving Forest Preserve District board members adequate time to address the numerous problems facing the District. A separate board will allow voters to elect commissioners on the basis of candidates' positions, credentials, experience, and interest in forest preserve governance.

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<sup>138</sup> Personal communication between the Civic Federation and Bill Weidner, Director of the Office of Public Affairs, Forest Preserve District of DuPage County, February 26, 2008.