

1.1 - Source of Authority ★

Standard: The source of agency authority or legal basis of operation and the extent of powers shall be identified in a legal document such as the state statute, local charter, city ordinance, or park district code.

Suggested Evidence of Compliance: Provide legal citation and, if appropriate, date of resolution by local governing entity or legal authority (i.e., enabling act, support documentation, ordinance; if permissive state authority, provide charter).

Informational reference in the *Management of Park and Recreation Agencies*, (2010), 3rd Ed., Chapter 3 - Legal Authority and Jurisdiction, pp. 41-42.

Agency Evidence of Compliance:

The Park District of Oak Park was created in 1912, as evidenced by a proclamation¹ from the State of Illinois signed by the governor, "the Park District of Oak Park was formed by a voter referendum on April 2, 1912, and since that day has been providing quality parks and recreational opportunities for its residents and guests from around the world..."

The Park District has been unable to locate its articles of incorporation, however is still recognized as a duly constituted Illinois municipal corporation as explained by Mark E Burkland of Holland & Knight, General Counsel for the Park District of Oak Park, in a letter² in 2008:

"Park District of Oak Park representatives, after diligent research including contact with the Illinois Secretary of State and record-keepers in other government offices, have been unable to locate a copy of the Park District of Oak Park's articles of incorporation. The Park District does have information, however, indicating (a) the first meeting of the Board of Commissioners of the Park District of Oak Park was held on Monday, April 8, 1912, at which the first terms of the five commissioners were decided and (b) that the Park District of Oak Park has operated continuously as a park district after that date.

Based on the information available to us, it is our opinion that the Park District is a duly constituted Illinois unit of local government.

When the Illinois Park District Code³ (the "Park District Code") was enacted in 1947, the Illinois General Assembly declared that it was the intent of the Park District Code that all existing park districts shall be governed by the Park District Code (with exceptions applicable only to the Chicago Park District). Since the enactment of the Park District Code, the Park District of Oak Park has operated under the provisions of that Code. The Park District's Board of Commissioners has met regularly to conduct the business of the Park District in accordance with the Park District Code, and the Park District has purchased and sold property, created and maintained park and recreation programs, conducted referenda, levied taxes, issued obligations, and in every other respect conducted and managed its affairs in the manner of an Illinois unit of local government.

It is our further opinion, therefore, that Illinois common law recognizes the Park District of Oak Park as a duly constituted Illinois municipal corporation organized and existing under the Park District Code, regardless of the inability of the Park District to find a copy of its articles of incorporation.

See People ex rel. Mohlenbrock v. Pike, 197 Ill. 449 (1902) ("Municipal corporations being required by public necessity, the law itself, for the purpose of strengthening the infirmity of evidence and upholding the public peace and the security of private property, will indulge, after long continued use of corporate powers and the public acquiescence, in presumptions in favor of their legal existence.")"

Documentation of Evidence:

1. Proclamation from the State of Illinois (*photo below*)
2. [01.01.00_Letter-Regarding-Park-District-Incorporation.pdf](#)
3. [Illinois Park District Code](#)

Agency Self Assessment: MET

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

Proclamation

WHEREAS, the Park District of Oak Park was formed by a voter referendum on April 2, 1912, and since that day has been providing quality parks and recreational opportunities for its residents and guests from around the world; and,

WHEREAS, the Park District established its mission to provide quality parks and recreation experiences for the residents of Oak Park in partnership with the community; and,

WHEREAS, for 100 years the Park District has had a strong record of excellent management, creative programming, prudent spending, and accountability to the community, all to the benefit of its residents and guests; and,

WHEREAS, the Park District has grown into a multifaceted organization with 18 parks, 9 recreation centers, two historic mansions, a horticulture conservatory, and numerous additional facilities, all devoted to serving its residents with exceptional programs and active and passive recreation opportunities; and,

WHEREAS, the Park District provides over 3,000 programs and serves over 44,000 participants annually regardless of age, income, ethnicity, or level of ability or any other characteristics that may distinguish one person from another; and,

WHEREAS, the Park District has created strong, lasting relationships with numerous sports, conservation, culture and recreation organizations, service agencies, and sister government agencies that use Park District resources to the great benefit of residents; and,

WHEREAS, the Park District continues to renovate and reenergize its parks and other facilities to ensure their lasting benefit to the community; and,

WHEREAS, the Park District offers cultural, recreational, and sports activities that enhance the lives of individuals, work forces, and the community by building strong family bonds and increasing the desirability of the community; and,

WHEREAS, the Village of Oak Park's recognition as a great place to live, work, and play is due in large to the many benefits provided by the Park District; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2, 2012 as PARK DISTRICT OF OAK PARK DAY in Illinois, in recognition of their 100th anniversary of service to the community.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield,
this SIXTEENTH day of FEBRUARY, in
the Year of Our Lord two thousand and
TWELVE, and of the State of Illinois
the one hundred and NINETY-THIRD



Desae White
SECRETARY OF STATE

Pat Quinn
GOVERNOR

