

	POLICY PROCEDURE GUIDELINES	POLICY NUMBER: 01.00.00.	PAGE NUMBER: 1 of 17
		SUBJECT: Development Committee & Fundraising Policy	Adopted: 05/26/2015 Latest Revision: 04/15/2016 Next Review:

01.00.00. POLICY STATEMENT

It is the policy of the Forest Preserve District of Cook County (the “District”) to establish a Development Committee, and subsequent related fundraising and teaming opportunity policies, with the goal of helping to expand non-tax financial resources in support of the mission and priorities of the District.

01.00.01. PURPOSE

The purpose of this policy is to: **(1)** further the mission, charge, and objectives of the Development Committee; and, **(2)** provide guidance to District employees authorized to work on fundraising and teaming opportunity related activities.

01.00.02. REFERENCES

Forest Preserve District of Cook County
 Advertisements (FPDCC Code Section 3-3-8)

Forest Preserve District of Cook County
 Code of Ethical Conduct (FPDCC Code Section 1-13: 1-6)

Forest Preserve District of Cook County
 Partnership Policy (01.30.00.)

Forest Preserve District of Cook County
 District Naming Committee & Permanent Naming Policy (01.10.00.)

Forest Preserve District of Cook County
 Origins of Names and Histories of Places Manual

01.00.03. DEFINITIONS

Donation: Gifts of money, goods, or services given to the District or Foundation by an individual or entity and the market-value of such gifts are tax-deductible under the then current Internal Revenue Code.

Donor: An entity (e.g. individual, foundation, corporation) that makes a Donation.

Employee: Employee means an individual employed by the District.

Forest Preserve Foundation (the “Foundation”): A 501(c)3 non-profit charitable organization that supports the protection and restoration of native habitats within the District and works to connect all residents, especially youth, with this great natural resource.

Fundraising: The raising of revenue, or gifts-in-kind, to support the mission and/or priorities of the District.

Prohibited Source: Prohibited source includes any person or entity that:

- (1) **Is seeking official action:** (a) By the official or employee; or (b) In the case of an employee, by the employee or by the District, the official or the other employee directing the employee;
- (2) **Does business or seeks to do business:** (a) With the official or employee; or (b) In the case of an employee, with the employee or with the District, the official or the other employee directing the employee;
- (3) **Conducts activities regulated:** (a) By the official or employee; or (b) In the case of an employee, by the employee or by the District, official or other employee directing the employee;
- (4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the official or employee; or
- (5) Is a compensated lobbyist on District matters or is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, 25 ILCS 170/1, et. seq.

Recognition: The official act of acknowledgement of acceptance.

Sponsor: An entity that pays a cash or in-kind fee to be associated with a District project or program in exchange for an acknowledgement by the District (e.g. name or logo included on a brochure, sign, banner, or other display). Sponsors are seeking to gain exposure to consumers for sales and marketing benefits.

Sponsorship: Financial support from a corporation or business for a specific event, project or program, in exchange for certain benefits and/or value.

Teaming Opportunities: Teaming opportunities may include advertisements, programs, awards, promotions, sponsorship opportunities, and recognition proposals.

Amenity: Amenities include District support facilities and non-permanent named District property, such as, but not limited to, conference and meeting rooms, nature play areas, off-leash dog areas, pools, aquatic center(s), tennis court(s), campground buildings, aerial adventure course, etc.

Temporary Naming Opportunities: Temporary naming recognition opportunities are: (1) sponsorship and/or other fundraising related opportunities; (2) have a specific and defined term life as determined by the Development Committee; and (3) naming opportunities that comply with the District “Temporary Naming Recognition Policy” and the District “Development Committee, Fundraising & Teaming Opportunities Policy”.

01.00.04. SCOPE

The scope of this policy applies to all District employees.

This policy governs all fundraising, teaming opportunities, and temporary name recognition activities.

This policy does not: (1) govern permanently named District properties, such as the names of specific preserves (i.e. McCormick Woods, Dan Ryan Woods, etc.), and/or nature centers (i.e. Little Red School House); (2) govern permanent naming opportunities as referenced in the District “Naming Committee & Permanent Naming Policy (02.70.00.)”; or (3) govern District property that has already been officially named by the Board of Commissioners.

01.00.05. RESPONSIBILITY

Development Committee Duties: The Development Committee is comprised of District employees appointed by the General Superintendent. The Executive Director of the Foundation shall also be a member. Some of the duties of the committee include:

- (1) Preparing reports to the Office of the General Superintendent, and other senior District leaders, on a regular basis or as required;
- (2) Tracking and updating the District fundraising database; and
- (3) Supporting District fundraising efforts to advance the District’s mission.

District Employees: District employees are required to comply with this policy, and other related District policies and procedures.

User Departments: Forest Preserve user departments shall comply with this policy, and other related District policies and procedures.

Finance Department: The Finance Department will:

- (1) Reconcile gifts, and work to ensure that all charitable gifts (i.e. planned gifts, individual donations, etc.) are directed to the appropriate fund/bank account; and,
- (2) Ensure that Forest Preserve user departments comply with gift restrictions.

Legal Department: The Legal Department will provide legal counsel to the Development Committee.

Office of the General Superintendent: The Office of the General Superintendent will:

- (1) Appoint the members of the Development Committees;

- (2) Authorize select District employees to participate in fundraising activities on behalf of and in support of the mission and priorities of the District; and
- (3) Establish and communicate District policies.

Board of Commissioners: The Board of Commissioners retains the responsibility of selecting names for all District buildings and other District property. The General Superintendent will put forward recommended names for a District building or other District property to the Board of Commissioners for approval.

01.00.06. PROCEDURES

01.00.06.01 DEVELOPMENT COMMITTEE:

A. Mission: The mission of the Development Committee is to support efforts that raise revenue for the District. The Committee will develop and implement both long-range and short-term fundraising plans, and will act as data manager, and solicitation clearinghouse.

B. Charge:

- (1) Collaborate with User Departments to identify and prioritize the fund development needs of the District;
- (2) Establish long-range fundraising plans for identifying donors, growing the donor base, and keeping donors informed of District activities and initiatives;
- (3) Centralize charitable fundraising efforts with all relevant departments, regarding all current and prospective donors and sponsors;
- (4) Strengthen and/or develop new funding vehicles (i.e. on-line giving, charitable remainder trusts, membership programs, sponsorships, trusts, matching gift, pledges, etc.);
- (5) Develop consistent and appropriate acknowledgment to donors and sponsors;
- (6) Develop written policies and procedures for fundraising efforts;
- (7) Produce an annual report;
- (8) Review all temporary name recognition requests and/or donations to ensure that such requests and/or donations align with this policy;
- (9) Collaborate with User Departments when temporary name recognition requests are received as appropriate and/or necessary;

- (10) To partner with the Chicago Botanical Garden and the Chicago Zoological Society's Development Department's;
- (11) Recommend pricing in the catalog of District temporary naming recognition opportunities; and
- (12) Recommend in the catalog of District temporary naming recognition opportunities the time in which these opportunities shall last for the General Superintendent's review and approval.

Meetings: The Development Committee meets at least monthly, as scheduling permits. The goal of each meeting is to review progress toward the Committee's goals and outline tasks leading to the accomplishment of these goals.

Goals are set based on the above listed charges and on the time commitment available from each member.

Meetings are open to all District departmental heads and/or their representatives.

01.00.06.02 FUNDRAISING POLICY:

- A. Fundraising Overview:** Donations can be directed to the District and/or the Foundation. District approved solicitation efforts should consider: **(1)** the entire spectrum of District giving opportunities; **(2)** District funding priorities; and **(3)** User Department funding requests and/or initiatives.
- B. Donor Contact Guidelines:** Authorized individuals requesting funds on behalf of the District will do so in a respectful manner that does not impose any pressure or discomfort on the person or entity being solicited.
- C. Department Head Clearance:** All written solicitation requests, including requests for gifts-in-kind, for less than \$750 are to be reviewed and approved by the Department Head where the request originates.
- D. Development Committee Clearance:** All written solicitation requests, including requests for gifts-in-kind, for \$750 or more are to be reviewed and approved by the Development Committee.
- E. Finance Department Clearance:** All donations that are made out to the District, or donations that will go into a District owned or managed fund or bank account, must be cleared by the Finance Department (i.e. Purchasing Agent) before being deposited to ensure compliance with the ban on accepting funds from Prohibited Sources. This does not include anonymous donations deposited in District managed donation boxes.
- F. Board of County Commissioners Approval:** All donations made out to the District of \$25,000 or more, or donations totaling \$25,000 or more in one calendar year, are to be approved by the Board of County Commissioners.

G. Fundraising from Non-District Entities: All fundraising activities that may impact the District and/or its fundraising activities should be conducted in collaboration with the non-District entity and approved by the District Development Committee.

H. Approved Employee Collaborations with Partner Organizations: In order to advance the mission, priorities, and initiatives of the District, non-tax financial resources will need to be expanded. To this end, the District has developed partnership collaborations with external entities to achieve this goal. (For more information about partnerships, please refer to the District Partnership Policy.)

Approved Activities: District employees that **(1)** as a part of their job function need to collaborate with partner organizations, or **(2)** will be requested to collaborate with partner organizations, are allowed to conduct the following set of activities with partner organizations:

- (1)** Support the partner organization as described in the official District partnership agreement;
- (2)** Support the partner organization in marketing and communicating partner related activities on the District website and other social media accounts as appropriate and feasible; and
- (3)** Support the partner organization in other commonly acceptable partnership related activities and projects. This includes, but is not limited to, the following activities: **(A)** attending strategy and board meetings; **(B)** providing relevant and appropriate District information to Partner organizations; and **(C)** providing support for donor related cultivation, solicitation, and stewardship activities.

I. Employee Restrictions: The following restrictions are deemed violations of this policy and employees may be subject to progressive discipline as described in the District Employee Handbook.

- (1)** Soliciting, or accepting donations, for personal use as described in the **Code of Ethical Conduct**. This includes gift cards, gifts-in-kind, cash, etc. (For more information about employee ethical conduct, or employee gift ban or restrictions, please contact the Cook County Board of Ethics);
- (2)** Unauthorized fundraising from Prohibited Sources; and
- (3)** Conducting, or participating, in general administrative/secretarial activities in support of, or in collaboration with, partner organizations while on District work time. Such activities include, but are not limited to, **(A)** conducting administrative errands, and **(B)** managing or updating partner organization websites or social media accounts.

Exceptions: Requests for collaborations outside of the approved and/or restricted activities must be referred to the Deputy Superintendent and the Chief Attorney for review and consideration.

J. **Activities:** This policy governs the following activities listed below.

01.00.06.03 **TEAMING OPPORTUNITIES:**

(1) **Basic Principles:** The following basic principles form the basis for the Teaming Opportunities:

- A. Advertising, sponsorship opportunities, programs, awards, promotions, and recognition proposals (collectively, “Teaming Opportunities”) may be accepted from any individual or entity deemed appropriate by the District and the District reserves the right to accept or reject proposed Teaming Opportunities for any legitimate business reason.
- B. Under no circumstances should either temporary or permanent recognition be affixed to cultural or natural resources of the site or located where they would intrude on the historic or natural character of the area.
- C. Teaming Opportunities must not in any way suggest the endorsement of the District.
- D. The District shall not accept sponsorships or other Teaming Opportunities associated with, or related to, tobacco brands, firearms/fireworks, pornography, sweepstakes, gambling, politics, or religion.
- E. Teaming proposals associated with makers, sellers, or distributors of alcoholic beverages will be limited to programs targeted to adults and will be evaluated on a case-by-case basis.
- F. The use of corporate names or logos in connection with Teaming Opportunities may be permitted, with advance written approval of the District, on brochures, select signage, temporary signs, audiovisual materials, give-away items, newsletters, other printed materials, and apparel designed for a specific event or program. Logos and names of sponsors will not be allowed on official District uniforms.
- G. Teaming Opportunities involving the expenditure of funds in excess of twenty-five thousand dollars (\$25,000) by any individual or entity in connection with proposed access to, or the use of, District resources or facilities must be approved by the Board of Commissioners of the Forest Preserve District of Cook County in advance.

(2) **Ethical Considerations:** Sponsorship and philanthropy can provide great benefits to the District, but may come with unintended consequences that require prudence in their acceptance. The District’s name, image, history and mission generate significant good will and have a value requiring vigilant protection. Association through questionable relationships with products (tobacco and firearms) or practices are to be avoided.

The District's relationship with sponsors and donors should be transparent and understandable to the public. A donor's request for confidentiality will be respected, subject to the District's legal obligation to disclose certain information. Any records related to donations may be subject to disclosure under the Freedom of Information Act. Any contractual agreement should contain the ability for the District to exit the contractual relationship with or without cause.

In addition to the guidelines outlined above, the District will not accept a direct donation or sponsorships from persons or entities:

- A. Who are opposing parties, involved with the District in pending litigation;
- B. When the conditions placed on a donation are inconsistent with the authorized purposes, policies, and planning documents of District, an individual preserve or program;
- C. When the donation is inconsistent with or otherwise seeks to circumvent laws, regulations or policies; or
- D. A determination of whether or not a potential donor falls into any of these categories may require consultation with the Office of the General Superintendent prior to accepting or recognizing any gift. In the consultation process, consideration must be given as to how the solicitation, acceptance and recognition of the donation will reflect on any partner and the preserve/program it supports as well as on the District.

(3) **Donation Programs:** In an effort to raise funds or acquire necessary District related equipment, catalog programs may be developed that offer, for an established fee (which should include necessary administration costs), a variety of items such as picnic tables, inscribed bricks, benches, vehicles, flagpoles, and tree planting dedications that help potential benefactors consider what their donation may acquire. These programs may include formal memorial or fundraising programs that set forth the item, its cost, and the method of memorial. Where approved, small, discreet recognition may be placed upon the object. Where the object is in or adjacent to a high-use area such as parking lots, recognition may be placed in a more visible location, but in every instance attribution must otherwise conform to these guidelines for scale, color, etc.

(4) **Sponsorships:** The District may solicit private entities to act as sponsors of various events as long as the District does not select sponsors in a discriminatory or otherwise illegal manner. The character and mission of a donor organization should not conflict with the public service and resource protection mission of the District. Regardless of the form of Teaming Opportunity accepted or the form of recognition chosen, all donations and related recognition must be consistent with any existing contractual obligation of the District (including restrictions contained in the deeds or bequest agreements for any relevant real or personal property) and compliant with all applicable federal, state, and local laws and/or regulations.

(5) **Forms of Recognition:** Forms of recognition should be clearly outlined in the contract between the sponsor/donor and the District. The extent of the sponsor/donor's exposure should be determined based on the value of the gift.

A. Thank You Letters: Acknowledgement letters should conform to all IRS requirements.

Reference the following links:

➤ http://www.cce-rochester.org/files/IRS_Crackdown_on_Tax_Deductions_Puts_Focus_on_Gift_Records.pdf

➤ <http://www.irs.gov/pub/irs-pdf/p1771.pdf>

B. Publicity: In all cases the donor's request for anonymity shall be respected, although any records related to donations may be subject to disclosure under the Freedom of Information Act. When appropriate, and following consultation with the Communications division, the District can publicly recognize donors through inclusion in press releases, etc. to newspapers, magazines and radio and television media, and articles in Forest Preserve newsletters, on the website pages associated with the event or initiative that the sponsor/donor is supporting, and through social media posts. The donor can also include the partnership in their own media channels, such as their corporate newsletter, website or annual reports. Use of the District's logo requires the pre-approval of the District's Communications division.

C. Commemorative Items Given to the Donor: Some items that might be presented to donors as an expression of thanks include certificates of appreciation, prints, photographs, paintings, and plaques.

D. Mementos: A book, District lapel pin or other District or project-related memento might be appropriate as an expression of appreciation. These may also be presented in conjunction with other forms of recognition, depending on the nature and significance of the donation.

E. Temporary Signs: Temporary signs (such as those used to acknowledge donors during construction activities or restoration of a structure or site, or to recognize a sponsor's financial support for a contract period) should be informational, of appropriate design and scale, and make clear that the District is recognizing the donation placing the District first (example: The District expresses its appreciation to (donor's name)). The signs should be sturdy, constructed of high quality materials, consistent with the design of District signs, professionally done and in keeping with District design standards. The donor's name and corporate logo may be used if they are subordinate to the sign's message. Sponsors wishing to post temporary signs may do so for the duration of their event and at their own expense. The District must approve any and all signs that are to be posted on its property.

Temporary recognition signs may be left in place only for the contract period, or in the case of “construction” signs, for no more than six months beyond completion of the actual work on the project.

- F. Interpretive Programs:** Occasionally, a donor is integrally related to the District or the existence of a forest preserve. In such cases, it might be appropriate to mention the donor’s contribution(s) during selected interpretive programs. It might also be appropriate to mention donor support when the donation is directly related to what is being interpreted, such as a natural restoration.
- G. Credit lines:** Appropriate recognition for contributions and donated items may be allowed at the discretion of the Office of the General Superintendent on items such as printed materials (i.e. information folders and forest preserve brochures), audiovisual materials, newsletters, interpretive panels and indoor and outdoor exhibits. In the case of interactive digital displays, a credit line may be used on the monitor and printed information, but should not be on the device itself. In most circumstances “service marks” advertising (including logos), promotions and corporate slogans will not be permitted. Advance approval must be obtained in writing from the Office of the General Superintendent for exemption from this guideline.
- H. Use of Corporate Logos:** Logos and names of sponsors will not be allowed on official uniforms. Logos and names will be permitted on brochures, give-away items relating to the event, banners, and, select signage.
- I. Product Sampling and Display Opportunities:** Sponsors will be allowed to erect temporary courtesy tents, booths, and tables at designated District locations for the duration of the event and a period of time not to exceed the completion of the special event.
- J. Special/Program Event Recognition:** Special events are a recognized fundraising activity for many organizations and a popular source of recreation for a large portion of the population.
- For officially sponsored events, corporate recognition may be allowed, but the name of the event shall predominate.
 - Corporate names must not be used in any way that would imply or otherwise suggest the District’s endorsement of a corporate product or company, or be construed as a commercial solicitation or advertising.
 - The emphasis should be on acknowledging the sponsor(s) versus on-site advertising.
 - On-site notices, such as banners, may be appropriate to the character and scale of the event and may be displayed for a period of time in advance of the event

if the Office of the General Superintendent wishes to encourage public attendance.

- When appropriate, higher-profile recognition can occur through media events, press announcements, photo opportunities, ground breakings, ribbon cuttings, meal functions or special recognition events.
- Other activities or forums, in which the donor is involved, such as annual meetings/conventions of a nonprofit organization, can also be used.
- Distribution of free samples or products by the sponsor or co-sponsor may be permitted in conjunction with a special event, if the item directly relates to the purpose of the event or is tastefully representative of the contributor. These items may be imprinted with the name of the event and recognize sponsors by name and logo.
- All on-site notices, free samples or products will be reviewed and approved in advance by the Office of the General Superintendent.

(6) **Conflict:** Any policy or ordinance conflict that might arise should be resolved by the Office of the General Superintendent.

01.00.06.04

TEMPORARY NAMING RECOGNITION OPPORTUNITIES:

1. **Policy Statement:** The Forest Preserve District of Cook County (the “District”) is now offering temporary naming recognition opportunities for select District properties. This policy is designed as an ongoing strategy of the District to increase non-tax revenue in support of the District’s mission and plans, such as the Next Century Conservation Plan.
2. **Purpose:** The intent of this policy is to set forth criteria and parameters to guide temporary naming recognition opportunities for amenities within District properties. This policy provides the District the authority to consider and approve the naming of District amenities after an organization, business or individual that has provided a financial contribution to the District which will be used to support the District’s capital projects, plans, and/or restorations and programming efforts.
3. **General Policy:** In all cases, the District will ensure that temporary naming recognition opportunities will not be in conflict with or run counter to the District’s mission and goals.
4. **Categories of Names That Should Be Avoided:** Proposed names should not include any of the following:
 - a) Offensive or insensitive names;
 - b) A name after an individual that has been found corrupt, and/or guilty of a felony crime;

- c) A name that promotes or advertises tobacco brands, firearms/fireworks, pornography, sweepstakes, gambling, political messages, or religion;
 - d) Promote the use of alcohol or legal and illegal drugs;
 - e) Discriminate on the basis of race, color, religion, sex, age, national origin, disability, marital status, sexual orientation, military status or any other legally protected status; and/or
 - f) Endorse products or services or promote practices that do not comply with District policies, procedures, or code; or applicable County, State or federal regulations, ordinances, codes, or statutes.
5. **Approval of Temporary Naming Recognition Opportunities:** All District amenities eligible for temporary naming rights shall be determined and approved by the District.
 6. **Signage Rules:** Temporary naming must not in any way suggest the endorsement of the District. The use of corporate names or logos in connection with temporary naming may be permitted on temporary signs designed for a specific event or program. If a temporary naming opportunity includes signage, a detailed proposal of the signage, including design, layout, verbiage and cost will need to be provided, in writing, for review and approval by the District. The District can specify sign size, sign, type, and font of any naming temporary naming recognition rights signage or displays. The District reserves the right to terminate any temporary naming right agreement not in accordance with this policy.
 7. **Restrictions:** Under no circumstances should either temporary or permanent recognition: **(a)** be affixed to cultural or natural resources (other than dirt or grass) of the site or located where they would intrude on the historic or natural character of the area; **(b)** suggest in any way the endorsement of the District.
 8. **Pricing Methodology:** The District Development Committee shall recommend pricing in the catalog of District temporary naming recognition opportunities. Pricing considerations should be developed by: **(1)** assessing the asset value of the District amenity and contemplating a number of factors including the market value; **(2)** the cost of construction or improvement to the amenity; **(3)** the amenities use and visibility; and **(4)** the location and draw of the amenity.
 9. **Temporary Naming Length:** The District Development Committee shall recommend in its catalog of District temporary naming recognition opportunities the time in which these opportunities shall last for the Office of the General Superintendent's review and approval.
 10. **Discounts:** No discounts will be provided for these opportunities.
 11. **Sole Power:** The District maintains the exclusive right to name and/or rename any District property at its own sole discretion, and to reject any proposed name change or

request at its sole discretion. To this end, the Board of Commissioners shall approve all temporary naming recognition opportunities for all District buildings and other District property. The General Superintendent will put forward recommended names for a District building or other District property to the Board of Commissioners for approval.

01.00.07. TRAINING REQUIREMENTS

- (1) All District employees that interact or are directly impacted by Development Committee, Forest Preserve Foundation, or other fundraising efforts as discussed in this policy shall be trained on this policy.

01.00.08. ACTION PLAN TO COMMUNICATE/DISSEMINATE

- (1) This policy should be distributed to all relevant/impacted District employees.
- (2) This policy should be added to the District shared drive, intranet, and website.
- (3) Department Heads should work to ensure that relevant staff are knowledgeable about this policy.

If you have questions, comments, or suggestions concerning District policies, please contact:

Forest Preserve District of Cook County
Office of the General Superintendent
Attn: Anthony D. Tindall, Policy Director
69 W. Washington St., Suite 2040, Chicago, IL 60602
Office: (312) 603-8351; Email: Anthony.Tindall@cookcountyil.gov



APPENDIX A: Cook County Board of Ethics Memo



TONI PRECKWINKLE

PRESIDENT
Cook County Board
of Commissioners

RICHARD R. BOYKIN
1st District

ROBERT STEELE
2nd District

JERRY BUTLER
3rd District

STANLEY MOORE
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14th District

TIMOTHY O. SCHNEIDER
15th District

JEFFREY R. TOBOLSKI
16th District

ELIZABETH ANN DOODY GORMAN
17th District

COOK COUNTY BOARD OF ETHICS

RANJIT HAKIM
EXECUTIVE DIRECTOR

69 W. Washington St. Suite 3040 • Chicago, Illinois 60602 • (312) 603- 4304 • F (312) 603-9988

cook.county.ethics@cookcountyil.gov

February 6, 2015

VIA EMAIL

Lisa Lee
Deputy Chief Attorney
Forest Preserve of Cook County
69 W. Washington St., Suite 2010
lisa.lee@cookcountyil.gov

Ms. Lee:

You recently contacted the Cook County Board of Ethics (“Board”) to inquire as to whether the Forest Preserves District (“District”) could request and accept certain donations in connection with a planned expansion of its camping programs. Board precedent establishes that none of the scenarios you presented would be *per se* violations of the District’s Ethics Ordinance. The Ethics Ordinance places extensive restrictions on the ability of District officials and employees to solicit gifts and free services from District vendors, potential District vendors, regulated entities, lobbyists and other prohibited sources. This gift ban, however, does not apply where a donation is made for the use of the District’s patrons and not individual District officials and employees. The Board further explains its reasoning below and suggests additional controls to reduce even the appearance of impropriety.

Background

The District currently grants certain camping gear retailers permits authorizing the retailers to hold camping classes on District property for District patrons. The retailers then remit a percentage of the fees collected from enrollees in these classes to the District. The District intends to expand its camping program in 2015 and will likely issue a request for proposal (or permit applications) seeking additional vendors to provide more camping classes under a similar financial arrangement at other District locations.

With respect to existing and new camping classes, the District would like existing permittees and new vendors to reserve free or reduced fee class slots for District patrons who might not otherwise be able to afford to participate. In addition, as part of its plan to expand camping opportunities, the District would like to build up a “gear library” of free or reduced cost camping gear from which District patrons could borrow as needed. One potential source of donated camping gear is existing permittees and other camping gear retailers. The concern is that existing permittees may feel coerced into donating gear for District patrons and other camping gear retailers may believe that donations will give them an advantage in responding to the District’s forthcoming request for new class providers.

Issues Presented

1. Does the District’s Ethics Ordinance prohibit the District from accepting product donations (e.g., mosquito repellent) for use by District patrons from entities that are not doing business with the District?

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To illustrate, in 2003, the Cook County Department of Public Health (“CCDPH”) was preparing to launch a public-health campaign, called “Fight the Bite,” to combat the spread of West Nile Disease by mosquitos. Part of this campaign involved the distribution of DEET to the public. Three companies – two with no relation to the County whatsoever and one that was already doing business with the County – volunteered to donate insect repellent to CCDPH for its campaign. The Board opined that donations from all three companies were permissible. Advisory Opinion, No. 03 A 0004, *4 (Sept. 17, 2003).

The Board reasoned that donations from the two companies with no relationship to the County were permissible because they were not prohibited sources for purposes of the gift ban. *Id.* With regard to the donated insect repellent from the third company that was already doing business with the County, the Board opined that:

[a]lthough from a prohibited source, these products are not a gift to a County employee. Rather, these products are effectively a donation to the public which will be distributed by the CCDPH. The primary purpose of the gift ban is to prohibit *individual* County employees and officials from receiving or soliciting gifts that might improperly influence them in the execution of their official duties. . . . The Cook County Department of Public Health should be able to accept the donations of insect repellent containing DEET to distribute at their community events and share with the Cook County Forest Preserve District and other community partners.

Id. (emphasis supplied).

Similarly, here, the District is not prohibited from accepting the donation of goods and services (e.g., camping gear, free or reduced cost classes, mosquito repellent) for use by members of the public both from entities that currently do no business with the District as well as from entities that do (or may seek to do) business with the District. But while it is legal to accept these donations, the availability of these goods and services for District patrons, nonetheless, raises three potential ethical dilemmas. Fortunately, each, in the view of the Board, is solvable with adequate controls.

First, when off-duty and enjoying the District’s property like any other member of the public, District officials and employees may express an interest in using a donated good or service that the District makes generally available for its patrons. Allowing them to do so is risky, however, because it may appear that District officials and employees are coopting camping gear, free or reduced cost camping classes or mosquito repellent from the public and circumventing the gift ban. As a result, the District should consider establishing a policy regarding officials’ and employees’ access to these donated goods and services for the sake of avoiding the appearance of impropriety. For example, the District might adopt a bright line rule that its officials and employees cannot use the gear library or would have to pay a rental fee for doing so. With respect to the classes, District officials or employees might only be eligible for the full cost camping classes, leaving the free or reduced cost slots available for other patrons. In the alternative, the District could adopt a more narrowly tailored policy to preserve priority

access for District patrons, such as only allowing officials and employees to take advantage of the gear library or camping classes when no other member of the public had requested to use these goods or services.

Second, when the District approaches current permittees, potential vendors and even unrelated camping gear retailers for donations to the gear library, they may feel either that a refusal to donate will jeopardize current District business or that willingness to give will be an advantage in future business dealings. The District can address both concerns by clearly disclaiming that a donor's decision to give or not to give will have any impact on current or future District business. To extent that solicitations are made in writing, this disclaimer should also be made in writing.

Third, when the District solicits new vendors to provide camping classes, it is likely that some of the entities that respond to the request for proposal or apply for a permit will be entities that were canvassed for camping gear donations. The District's goal should be to make good on the disclaimer outlined above by insulating any member of the bid/permit evaluation committee from knowing which potential vendors contributed to the gear library (or made other voluntary donations for the benefit of District patrons) and which did not. Doing so will ensure that a potential vendor's willingness to make donations of goods and services for the benefit of District patrons does not unduly influence an unrelated procurement process.³

You also inquired as to whether the District could ask District vendors to opt-in to receiving information from the Forest Preserve Foundation ("Foundation"), a 501(c)(3) organization which raises funds to support the protection and restoration of native habitats within the District. Again, this conduct would likely not violate any specific provision of the District's Ethics Ordinance, but the optics are worse than the scenarios presented above. This is because the District is effectively involved in cash fundraising for itself and that fundraising is targeting only at District vendors.⁴

The District may be able to alleviate some of the potentially coercive effect of a request to opt-in to solicitations from the Foundation by a disclaimer that the decision to opt-in or not will not impact current or future District business, however, there may be a better solution. Because the Foundation is a separate, nongovernmental entity, it can FOIA a list of the District's vendors and contact them with a request to opt-in to receive further information itself. The Foundation's employees (so long as they are not also District officials and employees) are not bound by the District's Ethics Ordinance. Moreover, the Foundation's mailing list is likely a

³ To the extent that the District wants new providers of camping classes on District property to reserve free or reduced cost slots for District patrons, the Board recommends the inclusion of that requirement in the request for proposals or request for permit applications so that vendors can include this service in pricing the responsive bids or applications. The inclusion of a requirement to provide free or reduced cost classes to a category of District patrons in the procurement process upfront eliminates the concern that a vendor will later feel coerced into providing the donated services after it has already established a business relationship that it wants to continue with the District.

⁴ In the scenarios above, donated goods and services were primarily being made available to District patrons and the efforts to build a gear library or receive other donated products for use by District patrons were directed at both current vendors and retailers with no business relationship with the District.

mix of District vendors and non-vendors so its total fundraising effort is not solely directed at entities doing business with the District.

Please note that the determinations and recommendations herein are based solely on the application of the Ethics Ordinance to the general questions posed. Other laws or rules may also govern, and this opinion is not binding with respect to their application.

I trust this advisory opinion addresses your concerns, but please do not hesitate to contact our office if you have additional questions or require additional information. Thank you for your inquiry and I commend you for seeking to uphold the guiding principles of the Ethics Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ranjit Hakim", with a horizontal line extending to the right.

Ranjit Hakim
Executive Director