WILMETTE PARK DISTRICT
RESOLUTION 2018-R-1

A RESOLUTION REGISTERING FORMAL OPPOSITION TO THE REQUEST OF COOK COUNTY FOR
AN EASEMENT FOR ROADWAY PURPOSES ACROSS PROPERTY OWNED BY THE
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO AND LEASED BY THE
WILMETTE PARK DISTRICT

WHEREAS, on May 6, 1965, the Metropolitan Sanitary District of Greater Chicago, now
known as the Metropolitan Water Reclamation District of Greater Chicago, a municipal
corporation (“MWRD”), leased certain real property located along the northeast right of way of
the North Shore Channel between Maple Avenue and Isabella Street (the “Premises”) to the
Wilmette Park District (“Park District”) for park and recreational purposes (the “Lease”); and

WHEREAS, the Lease specifically contemplates that a portion of the Premises would be
subleased to the Evanston Community Recreation Association, now known as the Evanston
Wilmette Golf Course Association, an Illinois not-for-profit corporation (the “Association”), and
used for seven holes of the eighteen-hole Peter N. Jans Golf Course, now known as the Canal
Shores Golf Course; and

WHEREAS, the Lease has been amended from time to time, and the current term is set
to expire on May 31, 2032; and

WHEREAS, on August 28, 2018, John Yonan, Superintendent of Cook County’s
Department of Transportation and Highways, sent Christopher Murray, MWRD’s Head Assistant
Attorney, a letter requesting a 75-year, non-exclusive easement over and across a portion of
the Premises (a copy of Yonan’s letter is attached hereto as Exhibit A and incorporated herein
by reference); and

WHEREAS, the requested easement, depicted on aerial map included in Exhibit A
attached hereto, is 61 feet wide and 300 feet long, and extends south from Maple Avenue
along the western boundary of the Premises (the “Easement”); and

WHEREAS, pursuant to Yonan’s letter, the Easement “is for the construction, operation,
maintenance, rehabilitation, of an access road to reach private property owned by the Keefe
Family Trust;” and

WHEREAS, the Keefe Family Trust began acquiring the landlocked property in question
over the last several decades and has been attempting to obtain access to and develop said
property to no avail ever since, including a similar request for an easement submitted by Cook
County’s Department of Transportation and Highways to MWRD in April 2017 for property
leased to the City of Evanston; and

WHEREAS, Cook County’s Office of the Independent Inspector General (IIG) initiated an
investigation into Yonan’s easement request “after receiving a complaint alleging improper
motive (bribery) involving Department of Transportation and Highways (DTH) officials when
they sought to acquire a parcel of land from the Metropolitan Water Reclamation District
(MWRD) to build a road for the sole benefit of a private land developer at the behest of an Illinois State Senator” (the “IIG Report”) (a copy of the IIG Report is attached hereto as Exhibit B and is incorporated herein by reference); and

WHEREAS, the IIG Report concluded that the investigation failed to support the allegations of improper motive based, in large part, on representations from Cook County officials that it’s “intention was only to request an easement so that the road could be built in order to generate property tax revenue for the County all of which was contingent on an intergovernmental agreement that would clarify that a private entity would own the road and be responsible for funding, building, and maintaining that road...” and that “Cook County’s involvement was required due to MWRD’s bylaws which restrict the grant of easements to private parties....”; and

WHEREAS, prior to the publication of the IIG Report, Cook County made numeros representations indicating that the access road would be a public road owned and maintained by Cook County; and

WHEREAS, Article 8-1(a) of the Illinois Constitution, Ill. Const. 1970, art. VIII, § 1, provides that “[p]ublic funds, property or credit shall be used only for public purposes;” and

WHEREAS, based on the foregoing, including the findings in the IIG Report concluding that the access road in question will be privately owned and maintained, the Park District’s Board of Park Commissioners (“Park Board”) has determined that the Easement will serve a purely private purpose, will impermissibly interfere with the Park District’s use of the Premises for park and recreational purposes generally and the Association’s use of the Premises for a golf course specifically, and is not in the best interests of the Park District, its residents, and the general public.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of Park Commissioners of the Wilmette Park District, Cook County, Illinois, as follows:

Section 1. The preamble to this Resolution is hereby incorporated in its entirety by reference in, and made a part of, this Resolution as if fully set forth herein.

Section 2. The Park Board affirmatively registers and affirms its opposition to the easement request submitted by Cook County over and across a portion of the Premises as detailed in the letter dated August 28, 2018, attached hereto as Exhibit A.

Section 3. The Park District’s Executive Director, or his designee, is hereby authorized and directed to send a certified copy of this Resolution, along with any emails or other correspondence received from residents regarding this matter, to the MWRD’s Board of Commissioners and the Cook County Department of Transportation and Highways, to appear and present the Park District’s formal opposition to the easement request on the Park District’s behalf at any and all public hearings or other meetings related to the easement request, and to take any and all such further actions deemed necessary and appropriate to carry out or effectuate this Resolution.
Section 4. This Resolution shall be in full force and effect from and after its adoption as provided by law.

Adopted this 10th day of October, 2018, by the affirmative majority vote of the members of the Board of Park Commissioners as follows:

Ayes: ____________________________________________________________

Nays: __________________________________________________________

Abstentions: ____________________________________________________

Absent: _________________________________________________________

________________________________________
President, Board of Park Commissioners
Wilmette Park District

ATTEST:

________________________________________
Secretary, Board of Park Commissioners
Wilmette Park District
SECRETARY'S CERTIFICATE

I, Stephen Wilson, do hereby certify that I am Secretary of the Board of Park Commissioners of the Wilmette Park District, Cook County, Illinois, and as such official, I am keeper of the records, ordinances, files and seal of said Park District; and,

I hereby further certify that the foregoing instrument is a true and correct copy of:

A RESOLUTION REGISTERING FORMAL OPPOSITION TO THE REQUEST OF COOK COUNTY FOR AN EASEMENT FOR ROADWAY PURPOSES ACROSS PROPERTY OWNED BY THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO AND LEASED BY THE WILMETTE PARK DISTRICT

adopted at a duly called Meeting of the Board of Park Commissioners of the Wilmette Park District, held at Wilmette, Illinois, in said District at 7:30 p.m. on the 10th day of October, 2018.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 48 hours in advance of the holding of said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Park District Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board, in the passage of the resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Park District at Wilmette, Illinois this 10th day of October, 2018.

__________________________________________________________
Secretary
Board of Park Commissioners
Wilmette Park District

[SEAL]
EXHIBIT A

August 28, 2018 Easement Request Letter from Cook County
August 28, 2018

Mr. Christopher M. Murray  
Head Assistant Attorney  
Metropolitan Water Reclamation District of Greater Chicago  
100 East Erie Street  
Chicago, Illinois 60611-3154

Subject: Request of Cook County for a 75 Year Easement across MWRD  
Illinois North Shore Channel Parcel 1.08

Dear Mr. Murray:

This is a follow up to your letter dated August 20, 2018 regarding the above-mentioned subject. The County of Cook is requesting a 75-year, non-exclusive easement through the District’s North Shore Channel Parcel 1.08. Parcel 1.08 is located between Isabella Street and Maple Avenue, east of the CTA railroad tracks in the Village of Wilmette.

The easement is for the construction, operation, maintenance, rehabilitation, of an access road to reach private property owned by the Keefe Family Trust. Attached is an aerial location drawing of the proposed roadway easement, which will be accessed off Maple Avenue in the Village of Wilmette. This road is necessary because the property is land locked and has no public access. The proposed access will be to construct a roadway that will be approximately 24-30 feet wide for a length of approximately 300 feet. To accommodate these roadway dimensions and other right of way requirements, this request for easement is for a width of 61 feet wide by a total length of 300 feet from the Maple Avenue right of way.

If you have any questions please do not hesitate to contact me at 312/603-1601 at your earliest convenience. I will be setting up a meeting with the Village of Wilmette to discuss obtaining their letter of support for the project.

Sincerely,

John Yonan, P.E.  
Superintendent  
Department of Transportation and Highways
EXHIBIT B

OIIQ Quarterly Report – 1st Quarter 2018
Office of the Independent Inspector General

"[T]o detect, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct in the operation of County government."

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Quarterly Report
1st Quarter 2018

April 13, 2018
Hon. Toni Preckwinkle and Honorable Members
of the Cook County Board of Commissioners
April 13, 2018
Page 11

Additionally, the preponderance of the evidence developed in this investigation does not support a finding that the Assessor breached his fiduciary duty to conserve County assets and avoid wasteful use by permitting Shakman exempt employees to accrue comp time. Although this practice stands in contravention to prevailing County practice, we could not conclude that the decision to grant this benefit rise to the level of a breach of fiduciary duty.

Although the allegations were not sustained, we made recommendations regarding the practice at issue. As we are aware of no evidence to support the notion that CCAO Shakman exempt staff perform duties in a manner that differentiates them from other exempt staff serving within County government, we recommended the CCAO discontinue the policy of affording exempt staff comp time benefits. This policy change would bring the CCAO in line with others similarly situated, conserve resources, and eliminate the potential for an appearance of impropriety.

In addition, CCAO Shakman exempt employees do not participate in the electronic attendance system and are allowed to accrue comp time with a system of hand written time sheets. To the extent that the CCAO rejects our recommendation to eliminate comp time for exempt staff, we recommended that exempt staff be required to adhere to both punch-in and punch-out electronic attendance and eliminate the use of the antiquated time sheet system when a modern and effective method exists to regulate comp time benefits. The failure to do so perpetuates a significant potential for fraud, abuse, and the appearance of impropriety.

These recommendations were made on February 23, 2018, and to date there has been no response from the Assessor’s Office.

IIG17-0200. The OIG initiated this investigation after receiving a complaint alleging improper motive (bribery) involving Department of Transportation and Highways (DTH) officials when they sought to acquire a parcel of land from the Metropolitan Water Reclamation District (MWRD) to build a road for the sole benefit of a private land developer at the behest of an Illinois State Senator. During the course of this matter, the OIG reviewed video of MWRD board meetings and media accounts of relevant issues and interviewed the Superintendent of DTH. The OIG also considered various communications and documents produced by the DTH and the MWRD as well as public records obtained through searches.

The preponderance of the evidence developed during the course of this investigation failed to support the allegations of improper motive by DTH officials, or any other County official, in proposing an easement to the MWRD for the benefit of private development. The Superintendent explained that DTH’s intention was only to request an easement so that the road could be built in order to generate property tax revenue for the County all of which was contingent on an intergovernmental agreement that would clarify that a private entity would own the road and be responsible for funding, building, and maintaining that road. Cook County’s involvement was required due to MWRD’s bylaws which restrict the grant of easements to private parties. This is corroborated by the documentation collected by OIG investigators in the course of this
Hon. Toni Preckwinkle and Honorable Members
of the Cook County Board of Commissioners
April 13, 2018
Page | 13

investigation. Finally, generating tax revenue is a legitimate basis for DTH to become involved in an issue of this nature. Accordingly, the allegation of improper motive was not sustained.

IIIG17-0214. The OIIG initiated this review to assess the level of compliance of the Cook County Assessor’s Office (CCAO) with its obligations under the Illinois Freedom of Information Act (FOIA). The CCAO receives approximately 6,000 to 8,000 requests per year pursuant to FOIA. This matter was initiated following the development of information through various inquiries that suggested the possibility of CCAO non-compliance with FOIA. During the course of this review, the OIIG analyzed data and documents provided by the CCAO and the Office of the Illinois Attorney General Public Access Counselor (PAC). The OIIG also interviewed the Manager of the CCAO’s FOIA Department. The CCAO provided some responsive documents and data, but has not fully complied with the OIIG request for the production of documents.

The preponderance of the evidence made available during this investigation supports the conclusion that the CCAO has established a custom and practice of non-compliance with FOIA. The CCAO is routinely failing to respond to FOIA requests within the five day period required by statute (5 ILCS 140/3(d)). The CCAO also does not consistently notify requesters when the office requires an extension, as evidenced by the cases referred to the PAC (5 ILCS 140/3(f)). An inspection of the 2016 and 2017 requests for review submitted to the PAC revealed that the central complaint regarding CCAO FOIA compliance is its failure to respond to requests in the time required by law as opposed to a substantive challenge. Moreover, denials of FOIA requests are not being uniformly provided to requesters in writing with the reasons for the denial, a factual basis for the application of any exemption, the names of the person responsible for the denial, and a notice of the right to review by the PAC as required by statute (5 ILCS 140/3(d); 5 ILCS 140/9(a)). The CCAO has also failed to uniformly respond to PAC inquiries within the seven days required by statute (5 ILCS 140/9.5(c)).

The preponderance of the evidence made available to this office during this investigation reveals that the CCAO lacks an effective organizational scheme and/or the overall resources for processing FOIA requests in accordance with the law. The CCAO informed this office that it has no written procedures or policies governing FOIA requests, other than requests submitted by media outlets, nor do they have a uniform method of cataloguing requests. The CCAO has long recognized the need to create a management tool to facilitate requests through the “beta” FOIA tracker or similar product. However, the fact that such a tracker has never been fully built out demonstrates a lack of priority given to FOIA compliance by the CCAO.

The preponderance of the evidence obtained in this investigation also supports a finding of a failure to cooperate by the CCAO. Section 2-285 of the OIIG Ordinance imposes a duty on all county officials and employees to cooperate in a timely manner and make documents “readily available” to the OIIG. Despite repeated communications with the CCAO Legal Department and a letter sent to Assessor Berrios on December 19, 2017 informing him of the insufficient levels of cooperation in the timely release of requested information, the CCAO has still not fully complied with the OIIG’s request for documents.