

**Minutes of the Waukegan Park District
Committee of the Whole
September 27, 2010**

The Committee of the Whole of the Waukegan Park District met in a regular meeting on September 27, 2010 at the Rose Administrative Center, 2000 Belvidere Street, Waukegan, Illinois.

I. Call to Order

The meeting was called to order by President Motley at 2:38 p.m. who directed a call of the roll.

II. Roll Call

Present: Commissioners Duffy, Durkin, Sarocka, Durkin, President Motley.
Absent: Commissioner Foley. Also present were Greg Petry, Board Attorney Charles Smith, and Dane Mall of PDRMA.

III. Topics

A. Waukegan Municipal Beach. Mr. Petry advised of his discussions with Mayor Sabonjian concerning the Park District purchasing the beach property and noting that this was not financially feasible for the Park District. In addition, a property and title survey would need to be prepared, at an approximate cost of \$2,500, to determine ownership of the structures along the beach front.

Commissioner Sarocka stated that the City wants to sidestep the union in hiring lifeguards.

Commissioner Duffy stated that it is the Board's job to protect the Waukegan Park District, not help the City.

Mr. Petry stated that major infrastructure improvements are needed to make the beach safe and usable.

Mr. Petry further advised that operating scenarios could include a program implemented by the Park District but that the Park District would not be able to financially "take over" the beach; the Park District acts in pro bono advisory capacity to the City; or, there is no Park District assistance or involvement.

At 2:48 p.m., Commissioner Foley arrives. **Motion by Commissioner Sarocka, seconded by Commissioner Duffy, to seat Commissioner Foley. Motion carried unanimously.**

Commissioner Duffy wants to see prior proposals of other park districts involvement with city beaches. He is concerned with indemnification if the Waukegan Park District becomes involved.

Mr. Mall stated that the Park District must consider the City insuring the Park District at several levels.

Mr. Petry advised that PDRMA would not insure against negligence.

Mr. Mall advised that not going "all in" leads to more possibilities of being sued for negligence.

Commissioner Foley asked for non-obvious negligence examples.

Mr. Mall stated that would include signage, lifeguard training for boaters trapped offshore in storms, buoy placement.

Commissioner Duffy stated that signage would be an issue.

Mr. Mall stated that signage is important, but not sufficient. He recommended not providing lifeguards for rough water areas and designating areas where swimming would not be allowed. This would require an ordinance and signage.

Commissioner Foley inquired about North Beach for parties. Mr. Petry advised that there were previous indemnification agreements with the City when the Park District was involved in beach operations.

Commissioner Foley stated a concern of getting emergency personnel and vehicles to the beach via non-road accessible sections of the beach.

President Motley advised that the City has no jurisdiction on the water and the Lake County Sheriff would respond.

Commissioner Duffy stated that the Lake County Sheriff's boat is always out on the Chain of Lakes, not Lake Michigan. He also inquired whether the Park District could work out a "barter system" with the City for fees such as an indoor/outdoor pool if they are going to invest in the beach area.

President Motley advised that cleaning up PCPs at the old Coke plant is an attractive nuisance for kids and is a liability issue. He further advised that the City cannot afford a feasibility study. Also, the City's focus is the downtown area, not the lakefront, with a maximum of \$75,000 to spend.

Commissioner Foley stated that the Park District needed total blanket indemnification.

Commissioner Durkin asked if the Park District could do take over of just a small amount at the beach. Mr. Petry advised only if it is in an advisory role.

President Motley stated that the City has no sublet clauses with five unions; that the City is not able to hire any lifeguards; and without Park District involvement, the City will lock up and close off the beach.

Commissioner Sarocka asked if the City could just give the beach to the Park District. Mr. Petry said that because of the environmental concerns, the Park District would need to proceed with extreme caution. President Motley advised that there would be right-of-way issues, as well.

Mr. Petry advised that discussions could extend over the next six weeks.

Commissioner Foley stated that the Friends of the Beach could get some grants and that this suggestion should be passed on to City Council.

President Motley advised that Mr. Petry is to discuss and negotiate options with the City.

Commissioner Sarocka wants to help beautify the beach if it would not expose the Park District to liability.

Mr. Mall advised that any Park District presence could lead to liability.

IV. Closed Session

No motion was made to adjourn into closed session.

V. Adjournment

Motion by President Motley, seconded by all, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 3:54 p.m.

Respectfully submitted,

Charles W. Smith
Secretary