

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

*Dismissal
of Consent
Decree
6-28-89*

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION
)	NO. 82 C 7308
)	
V.)	Judge Harry D. Lienenweber
)	
)	
CHICAGO PARK DISTRICT, ET AL.,)	
)	
Defendants.)	

ORDER

WHEREAS, The United States, and the Defendants, the Chicago Park District, et al., have jointly represented and stipulated that the Chicago Park District has developed a five-year program for the expenditure of capital improvement funds which program fully implements the policies of the current Park District administration in a manner consistent with the underlying goals of the consent decree by providing that:

A. The Park District shall be guided by professional engineering and architectural surveys in identifying and establishing the relative priority of any rehabilitation, necessary expansion or replacement needs of Park District facilities;

B. After the major rehabilitation, necessary expansion and replacement needs of existing buildings have been addressed, the Park District shall be guided by the statistical system in existence on the date of this order based on estimates of need, including population density, availability of other facilities and community income, in identifying and establishing the relative priority of a community for construction of a new facility;

C. the Park District shall be guided by objective criteria or measures of need in identifying and establishing the relative priority of a park for landscape improvements and playground rehabilitation; and

D. the Park District shall engage in a program which funds city-wide and specialized facility construction or improvement, land acquisition and other construction in a manner which does not discriminate on the basis of race or national origin as between the community areas of the City.

WHEREAS, the Chicago Park District has represented that all future programs for the expenditure of capital improvement funds shall be consistent with the principles described above;

WHEREAS, the parties have represented that the original objectives of the Consent Decree with regard to the Park District's allocation of recreational personnel and programs and the establishment of fair and equitable schedules and systems for the maintenance, repair and upkeep of facilities and grounds have been achieved and that the Chicago Park District has been, is and will remain in compliance with those allocations, schedules and systems;

WHEREAS, the Court finds that given the establishment of the Park District's five-year program for current and future capital improvement expenditures and the Park District's achievement of the objectives of the Decree, there is no need for extending the minimum duration of the Consent Decree beyond the date of May 14, 1989, originally established by that decree; and

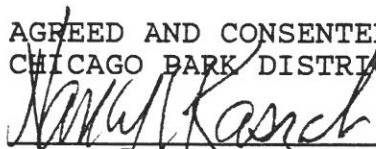
WHEREAS, the parties have jointly moved the Court for an order vacating the Consent Decree and all amendments thereto and dismissing this action,

THEREFORE, IT IS HEREBY ORDERED, that the Consent Decree entered in this cause and all Amendments thereto shall stand as vacated effective May 14, 1989, and on that same date this action shall be dismissed.

ORDERED this _____ day of _____, 1989.

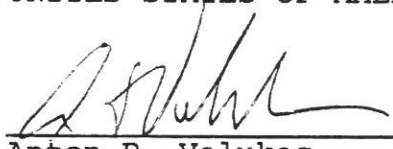
United States District Judge

AGREED AND CONSENTED TO:
CHICAGO BARK DISTRICT

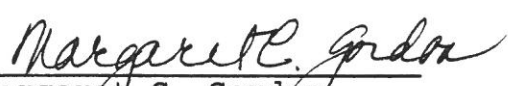


Nancy L. Kaszak
General Attorney

AGREED AND CONSENTED TO:
UNITED STATES OF AMERICA



Anton R. Valukas
U. S. Attorney
Northern District of Illinois



Margaret C. Gordon
Assistant U.S. Attorney
Northern District of Illinois

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL ACTION
V.) No. 82 C 7308
) Judge Harry D. Leinenweber
CHICAGO PARK DISTRICT, ET AL.,)
Defendants.)

JOINT MOTION FOR AN ORDER OF DISMISSAL

The plaintiff, United States, and the defendants, the Chicago Park District, et al., by their respective attorneys, hereby jointly move for an order dismissing this action and vacating the Consent Decree and all Amendments entered thereto, effective May 14, 1989. In support of this motion, the parties do hereby state and stipulate to the following:

1. On November 30, 1982, the United States filed a complaint to enforce provisions of the Housing and Community Development Act of 1974 (42 U.S.C. §5301, et seq.), and regulations of the Department of Housing and Urban Development relating to nondiscrimination in federally assisted programs and activities (24 C.F.R. §570.601, et. seq.). The allegations of the complaint were that the Chicago Park District, its officers and Board of Commissioners, had pursued policies and practices which discriminated against residents of black and Hispanic communities

in the City of Chicago in the supply, distribution and maintenance of recreational services, programs and facilities of the Chicago Park District.

2. On May 13, 1983, Judge George N. Leighton entered an order giving preliminary approval to a Consent Decree jointly tendered by the parties in resolution of the allegations raised by the complaint. That order further allowed for the immediate implementation of the Decree pending further proceedings prior to final approval. By order and decision of December 7, 1983, Judge Leighton gave final approval to the Decree.

3. Paragraph 1 of the Consent Decree provided:

The purpose of this Decree is to resolve all questions raised by the complaint filed in this action and thereby to achieve promptly (1) equal and nondiscriminatory treatment by the defendants in their assignment and allotment of personnel, programs, equipment, supplies and funds for recreational, instructional or athletic purposes or activities by the Chicago Park District, (2) the establishment of systems, procedures, and schedules for normally scheduled and work order prompted maintenance, landscape and groundkeeping which will assure that all parks, playgrounds and other acreage of the Chicago Park District receive equal attention, care and upkeep, and (3) that future capital funds for rehabilitation, renovation and new construction are allocated in accordance with schedules reflective of relative need as agreed to by the parties hereto.

4. Paragraph 45 of the Consent Decree provided:

At any time six years following the entry of this Decree the plaintiff, United States, or the defendants, Chicago Park District, et al., upon a showing of compliance consistent with the purpose and objectives of this Decree as set forth in paragraph 1 above, may move for the dissolution of this Decree and the dismissal of this action.

5. From the date of preliminary approval of the Decree to the present, the Implementation Committee established by the Decree to ensure that its objectives were attained has met at least monthly with government counsel present to discuss and resolve implementation disputes and to monitor compliance with the requirements of the Decree. In September, 1984, on joint motion of the parties, Judge Leighton approved and entered the First Amendment to the Decree which, among other things, made minor changes in the classification of certain parks and park facilities in order to more fully and effectively implement the Decree's purposes.

6. On April 28, 1988, this Court approved and entered a Second Amendment to the Consent Decree which, among other things, extended the minimum duration of the Decree to November 1, 1990. The principal reason for extending the minimum duration of the Decree was because in 1986 new members were appointed to the Board of Commissioners of the Chicago Park District and in 1987 the reconstituted Board adopted different policies with regard to the building of new field houses and other major capital improvements. These policies required the adoption of new standards for determining the relative needs of community areas and parks within the District. At the time, the parties believed that the remaining one year duration of the Decree would be inadequate time in which to adopt, implement and evaluate the effectiveness of the new standards.

7. Since the entry of the Second Amendment, the Chicago Park District has developed a five-year program for the expenditure of capital improvement funds which program fully implements the policies of the current Park District administration in a manner consistent with the underlying goals of the Consent Decree by providing that:

a. the Park District shall be guided by professional engineering and architectural surveys in identifying and establishing the relative priority of any rehabilitation, necessary expansion or replacement needs of Park District facilities;

b. after the major rehabilitation, necessary expansion and replacement needs of existing buildings have been addressed, the Park District shall be guided by the statistical system in existence on the date of this order based on estimates of need, including population density, availability of other facilities and community income, in identifying and establishing the relative priority of a community for construction of a new facility;

c. the Park District shall be guided by objective criteria or measures of need in identifying and establishing the relative priority of a park for landscape improvements and playground rehabilitation; and

d. the Park District shall engage in a program which funds city-wide and specialized facility construction or improvement, land acquisition and other construction in a manner which does

not discriminate on the basis of race or national origin as between the community areas of the City.

8. The Chicago Park District has represented that all future programs for the expenditure of capital improvement funds shall be consistent with the principles described.

9. The parties further stipulate that the original objectives of the Consent Decree with regard to the Park District's allocation of recreational personnel and programs and the establishment of fair and equitable schedules and systems for the maintenance, repair and upkeep of facilities and grounds have been achieved, and that the Chicago Park District has been, is and will remain in compliance with those allocations, schedules and systems.

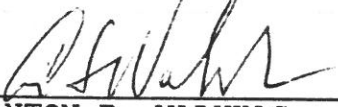
10. Given the establishment of the Park District's five-year program for current and future capital improvement expenditures and the Park District's achievement of the objectives of the Decree there is no need for extending the minimum duration of the Consent Decree beyond the date of May 14, 1989, originally established by that decree.

For the foregoing reasons, the parties jointly move for the entry of an order dissolving the Consent Decree and all of its


Amendments and dismissing this action effective May 14, 1989, and respectfully request that such an order be entered.

Respectfully submitted,

UNITED STATES OF AMERICA




ANTON R. VALUKAS
United States Attorney



MARGARET C. GORDON
Assistant United States Attorney
Northern District of Illinois
Chicago, Illinois 60604
(312) 353-1994

CHICAGO PARK DISTRICT, ET AL



NANCY L. KASZAK
General Attorney
Chicago Park District
425 East McPettridge Drive
Chicago, Illinois 60605
(312) 294-4520