

**MINUTES OF THE
BOARD OF PARK COMMISSIONERS
OF THE
CLEVELAND METROPOLITAN PARK DISTRICT
JANUARY 19, 2023**

The Board of Park Commissioners met on this date, Thursday, January 19, 2023, 8:00 a.m., at the Board's office, 4101 Fulton Parkway, Cleveland, Ohio.

The roll call showed Debra K. Berry, Dan T. Moore, and Bruce G. Rinker to be present. It was determined there was a quorum. Chief Executive Officer, Brian M. Zimmerman, Chief Financial Officer, Wade Steen, and Chief Legal and Ethics Officer, Rosalina M. Fini, were also in attendance.

**JUDGMENT ENTRY FROM CUYAHOGA COUNTY PROBATE COURT APPOINTING
DAN T. MOORE, III AS A MEMBER OF THE BOARD OF PARK COMMISSIONERS
FOR THE TERM BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2025.**

In the absence of Presiding Probate Court Judge Anthony J. Russo, Chief Legal and Ethics Officer Rosalina M. Fini administered the Oath of Office to Dan T. Moore III as a member of the Board of Park Commissioners of the Cleveland Metropolitan Park District for the full term of three years, beginning January 1, 2023 and ending December 31, 2025.

A copy of the Journal Entry, Doc. 139, Case No. 89032, is reflected on pages 97753 to 97758. The bond, in the amount of Five Thousand Dollars (\$5,000), written by The Cincinnati Insurance Company, and the Journal Entry, were filed with the Auditor of Cuyahoga County, in accordance with the requirements of the law, as shown on pages 97759 to 97761.

Dan T. Moore III took the Oath of Office, thereby becoming a qualified member of the Board.

ORGANIZATION OF THE BOARD:

No. 23-01-002: It was moved by Debra K. Berry, seconded by Dan T. Moore and carried, that Bruce G. Rinker be nominated as President of the Board for 2023, and further, to nominate Debra K. Berry and Dan T. Moore as Vice Presidents of the Board for 2023; and further, to appoint Brian M. Zimmerman as Chief Executive Officer/Secretary and to serve in his official capacity on the boards of Destination Cleveland, Flats Forward, Northeast Ohio Sustainability Community Consortium and the iHeartMedia Local Advisory Board; and further, to continue the appointment of Wade Steen as Chief Financial Officer/Treasurer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

ADOPTION OF 2023 BY-LAWS.

No. 23-01-003: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to adopt the 2023 By-Laws as reflected on pages **97762** to **97768**.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

APPOINTMENT OF LEGAL COUNSEL.

Pursuant to Article 5, Section 2(b) of the By-Laws, Request for Proposal #6611 was issued for legal services on October 8, 2021 for a term of one year with the ability for four (4), one-year renewals. A review of the proposals was conducted based upon the following categories: (1) Statement of Capability/Biographies; (2) Prior Work History; (3) Compensation/Billing Rate; and (4) Core Values. The firms listed below are recommended by staff. Three (3) one-year renewals under RFP #6611 are able to be exercised.

No. 23-01-004: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to appoint the following law firms for 2023:

1. **Thompson Hine LLP.** **General Legal Services** at the rate of \$295 per hour for attorneys and \$183 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers.

APPOINTMENT OF LEGAL COUNSEL (cont.)**2. Employment & Labor & Ancillary Practice Areas****a. Zashin & Rich Co., LPA**

- i. **Labor Relations & Employment** at the rate of \$270 per hour for partner-level attorneys; \$245 per hour for associate-level attorneys; and \$125 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers; and,
- ii. **Employment Defense Litigation** at the rate of \$270 per hour for partner-level attorneys; \$245 per hour for associate-level attorneys; and \$125 per hour for the time of non-lawyers, i.e., paralegals and law clerks.
Disclaimer: Zashin & Rich agrees to perform this work at the agreed upon rate with the applicable carrier. Rate would also never exceed the agreed upon non-insurance CM/ZR rate; and,
- iii. **Workers' Compensation** at the rate of \$215 per hour for partner-level attorneys; \$165 per hour for associate-level attorneys; and \$110 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers.

b. Jackson Lewis

- i. **Immigration, Privacy, Data & Cybersecurity** at the rate of \$270 per hour for partner-level attorneys; \$245 per hour for associate-level attorneys and \$125 per hour for the time of non-lawyers, i.e., paralegals and law clerks; and,
- ii. **Labor Relations & Employment** at the rate of \$270 per hour for partner-level attorneys; \$245 per hour for associate-level attorneys; and \$125 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers; and,
- iii. **Employment Defense Litigation** at the rate of \$270 per hour for partner-level attorneys; \$245 per hour for associate-level attorneys and \$125 per hour for the time of non-lawyers, i.e., paralegals and law clerks.
Disclaimer: Jackson Lewis agrees to perform this work at the agreed upon rate with the applicable carrier. Rate would also never exceed the agreed upon non-insurance CM/JL rate.

APPOINTMENT OF LEGAL COUNSEL (cont.)

3. **Defense Litigation Counsel**
 - a. **Mazanec, Raskin & Ryder Co., L.P.A.** at the rate of \$185 per hour for partners; \$165 per hour for associates; and \$115 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers.
4. **McMahon DeGulis** for **environmental legal services** at the rate of \$250 per hour for partners; \$210 per hour for associates and \$170 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers.
5. **Christina F. Londrico, Esq., LLC** for **criminal prosecution services** at the rate of \$80 per hour.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

APPROVAL OF MINUTES.

No. 23-01-005: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to approve the minutes from the Regular Meeting of December 15, 2022, which were previously submitted to the members of the Board, and by them read.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

FINANCIAL REPORT.

Chief Financial Officer, Wade Steen, presented a Comparative Summary of Revenues & Expenditures 2022 vs. 2021 Year-To-Date, and for the Month Ended December 31. Also provided is a Schedule of Accounts Receivable and Investments, which along with the Comparative Summary is found on pages **97769** to **97776**.

ACTION ITEMS.

- (a) ***Swearing in of Patrol Officer***
(Originating Source: Kelly J. Stillman, Chief of Police)

Arnaldo Torres

Arnaldo Torres joins Cleveland Metroparks from the Cleveland Police Department. Sergeant Torres is a thirteen-year veteran who recently served as Officer-in-Charge and Supervisor for the detective bureau in the Sex Crimes and Child Abuse Unit. Sergeant Torres will bring his knowledge of police work and his ability to speak English and Spanish to the department.

No. 23-01-006: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to appoint Arnaldo Torres as a full-time police officer for Cleveland Metroparks as authorized by Section 1545.13 of the Ohio Revised Code.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
Nays: None.

- (b) ***2023 Budget Adjustment No. 1***
(Originating Sources: Wade Steen, Chief Financial Officer/Brian M. Zimmerman, Chief Executive Officer)

The following amendments are requested for Board approval:

**CLEVELAND METROPARKS
Appropriation Summary - 2023**

Object Code	Object Description	Original Budget			Proposed Amendment #1 1/19/2023	Total
		Baseline Budget	Carry Over Encumbrances	Total		
OPERATING						
51	Salaries	\$ 64,280,149	\$ -	\$ 64,280,149	\$ (23,652) A	\$ 64,256,497
52	Employee Fringe Benefits	20,015,070	877,092	20,892,162	41 B	20,892,203
53	Contractual Services	15,837,597	3,497,959	19,335,556	183,904 C	19,519,460
54	Office Operations	26,536,916	3,396,203	29,933,119	20,975 D	29,954,094
	Operating Subtotal	126,669,732	7,771,255	134,440,987	181,268	134,622,255
CAPITAL						
571	Capital Labor	800,000	-	800,000	-	800,000
572	Capital Construction Expen	20,538,624	15,198,380	35,737,004	12,992,408 E	48,729,412
574	Capital Equipment	3,438,515	1,831,352	5,269,867	-	5,269,867
575	Zoo Animals	75,000	3,081	78,081	-	78,081
576	Land	1,200,000	71,321	1,271,321	-	1,271,321
	Capital Subtotal	26,052,139	17,104,134	43,156,273	12,992,408	56,148,681
TOTALS						
Grand totals		\$ 152,721,871	\$ 24,875,389	\$ 177,597,260	\$ 13,173,676	\$ 190,770,937

ACTION ITEMS (cont.)

An explanation of adjustments, by category, can be found on pages 97777 to 97779. The net effect of all adjustments is an increase of \$13,173,676 which is funded by increased revenue, donations, grants, or received but previously unappropriated funds.

No. 23-01-007: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to approve 2023 Budget Adjustment No. 1 for a total increase of \$13,173,676 as delineated on pages 97777 to 97779.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

(c) ***Designation of 2023 Legislative Consultant***
(Originating Source: *Brian M. Zimmerman, Chief Executive Officer*)

Background

It is beneficial for Cleveland Metroparks to retain legislative consulting services related to the State of Ohio to monitor State programs, laws, and initiatives that impact the Park District. Local government funding, state grants, workers' compensation, etc., represent examples of Ohio legislative policy which potentially affect Cleveland Metroparks.

Recommendation Re: Capitol Consulting Group, Inc.

During November and December of 2009, the Board interviewed potential legislative consulting groups, and on February 25, 2010, the Board awarded 2010 consulting services to Capitol Consulting Group, Inc., located in Columbus, Ohio and led by President Dan Jones.

In 1982, Mr. Jones began his career as an employee of the Ohio House of Representatives. In 1985, Mr. Jones embarked upon his lobbying career as Public Affairs Director for the Ohio Council of Retail Merchants. In 1989, the State's largest Blue Cross/Blue Shield plan (Community Mutual Insurance Company), hired Mr. Jones as Manager of Government Affairs. In 1990, Mr. Jones was recruited to serve as Legislative Liaison for Governor George Voinovich. After leaving the Governor's office in 1992, Mr. Jones formed Capitol Consulting Group, Inc. where he has served the interests of a variety of private, corporate and association clients in the following: health care, manufacturing, agriculture, waste, construction, telecommunications and service industries.

Dan Jones is a graduate of The Ohio State University where he earned the following degrees: Bachelor of Science in International Business, Bachelor of Arts in Russian Language and a Master of Business Administration.

Having worked successfully with Mr. Jones since 2010, staff has concluded that Capitol Consulting Group would continue to be effective in representing Cleveland Metroparks. Capitol Consulting has submitted a fee proposal and scope of work for professional services to commence January 1, 2023, payable in installments of \$2,750 per month, for an annual fee of \$33,000.

ACTION ITEMS (cont.)

No. 23-01-008: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to authorize the Chief Executive Officer to execute an agreement with Capitol Consulting Group, Inc., in form acceptable to the Chief Legal and Ethics Officer, for legislative consultant professional services from January 1, 2023 through December 31, 2023, at the rate of \$2,750 per month, for a total annual fee of \$33,000.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

- (d) ***Ratification of Single Source #6720: 110 Taser 7 Certification Units, One (1) CEW Starter and an All-Inclusive Program for Police***
(Originating Sources: Kelly J. Stillman, Chief of Police/Charlie Rosol, Director of Procurement)

Background

Currently, Cleveland Metroparks Police Department issues TASERs to each police officer. These TASERs will soon become obsolete due to the age of the TASERs, and Police staff recommends purchasing new TASER 7s from Axon Enterprises.

More than 17,500 law enforcement agencies deploy TASER energy weapons. TASER energy weapons are a tool for resolving conflict with a less-lethal option and have been used globally for over 25 years to save approximately 275,000 plus lives from death or serious bodily injury in situations where lethal force would have been justified.

TASER energy weapons use electrical current to temporarily incapacitate subjects by inducing neuromuscular incapacitation. TASER energy weapons send a signal to your muscles telling them to flex. There are no known long-term effects from being exposed to a TASER energy weapon. TASER is a unique energy weapon.

Axon Enterprise, Inc. is the sole manufacturer which develops technology and weapons products for military and law enforcement agencies. Third-party vendors are unable to provide the certification plan with TASERs.

At the time Cleveland Metroparks sought quotes from Axon, it could offer cost savings of \$21,225.60 per year if Cleveland Metroparks could enter into an agreement for the TASERs by December 31, 2022. Cleveland Metroparks staff entered into the contract in order to preserve significant resources.

Cleveland Metroparks Police Department staff recommends that the Board ratify the five (5) year contract with Axon Enterprise, Inc. to purchase one hundred ten (110) TASER 7 Certification units, one (1) CEW Starter and an all-inclusive program. The TASER 7 Certification unit is an all-inclusive program designed to give all TASER deliverables needed for the next five (5) years, which includes all handles, cartridges, batteries, and

ACTION ITEMS (cont.)

warranties, with 100% budget predictability with a total cost of \$376,772. Ratification of the five (5) year commitment signed in 2022 will save Cleveland Metroparks an average annual savings of \$21,225.60 per year, totaling \$106,128 for the scope of the five (5) years compared to the total cost if the agreement was entered into in 2023.

Payment Summary	
2022-2023	\$77,554.40
2023-2024	\$74,804.40
2024-2025	\$74,804.40
2025-2026	\$74,804.40
2026-2027	\$74,804.40
TOTAL	\$376,772.00

No. 23-01-009:

It was moved by Vice President Berry, seconded by Vice President Moore and carried, to ratify the agreement executed by the Chief Executive Officer or his designee for a five (5) year term, in the form approved by the Chief Legal & Ethics Officer, as specified in Single Source #6720, for the purchase of 110 TASER 7 Certification units, one CEW Starter, and the all-inclusive program, from **Axon Enterprise, Inc.** for a **total cost of \$376,772.**

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
 Nays: None.

(e) *Authorization to Submit Grant Application and Commit Funds*

(Originating Sources: Natalie Ronayne, Chief Development Officer/Sean E. McDermott, P.E., Chief Planning and Design Officer/Kristen Trolio, Director of Grants)

The Outdoor Recreation Legacy Partnership (ORLP) Program provides funds to acquire and/or develop land for outdoor recreation. The program funds projects in designated “Urbanized Areas” as defined by the U.S. Census Bureau. The program is funded by the National Park Service and in the State of Ohio, the program is administered by the Ohio Department of Natural Resources (ODNR).

Cleveland Metroparks plans to submit an application to the ORLP Program for park infrastructure improvements in Forest Hill Park. Forest Hill Park is a ±249-acre municipal park that straddles the Cities of Cleveland Heights and East Cleveland. The Park District has performed various maintenance duties in the ±165-acre East Cleveland portion park over the past decade including forestry management assistance and sign replacement and staff from the Park District’s Division of Outdoor Experiences have led public hikes and programs through the park.

In 2018, Cleveland Metroparks completed a thorough assessment of the current structures and infrastructure in Forest Hill Park with support from the McGregor Foundation. The

ACTION ITEMS (cont.)

study concluded that over \$14.5 million of deferred maintenance is needed to restore Forest Hill Park to its former first-class condition. The future restoration of Forest Hill Park will only be possible with the aid of grants and philanthropic support.

The McGregor Foundation-funded infrastructure assessment coupled with the original park design that was completed in 1939 by A.D. Taylor will inform the priorities for the restoration of the park. Cleveland Metroparks, in partnership with the City of East Cleveland, will work to restore this original park design. Funds from the ORLP Program will be used to repair and improve the trail and roadway system and to revitalize or remove additional park infrastructure to make the park a clean, green, and safe destination for the community.

The project costs are as follows:

Outdoor Recreation Legacy Partnership Program (50%)	\$2,000,000
<u>Cleveland Metroparks (50%)</u>	<u>\$2,000,000</u>
TOTAL Project Cost	\$4,000,000

The required resolution is on page 97780.

No. 23-01-010: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to approve the adoption of the resolution to authorize the submittal of a grant application to the Ohio Department of Natural Resources for funding assistance in the amount of ±\$2,000,000 through the Outdoor Recreation Legacy Partnership program as described above; to authorize and agree to obligate the required matching funds as described above and all funds required to satisfactorily complete the proposed projects and become eligible for reimbursement under the terms and conditions of the program; and further, that the Board authorize the Chief Executive Officer to enter into agreements and execute any other documents as may be required to accept the grants upon award; form of document(s) to be approved by Chief Legal and Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
Nays: None.

(f) *Lakefront Reservation: Authorization to Submit Grant Application and Commit Funds (Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer/Natalie Ronayne, Chief Development Officer/Kristen Trolio, Director of Grants)*

The Ohio Department of Natural Resources Office of Coastal Management offers funds through the Coastal Management Assistance Grant (CMAG) Program to support Lake Erie coastal resources. In 2021, Cleveland Metroparks received funds through the CMAG program to complete a nature-based shoreline restoration plan along a ±400ft stretch of shoreline at Wendy Park. Since 2017, shoreline loss and erosion has been

ACTION ITEMS (cont.)

documented by staff at this location, in some areas in excess of 10ft of landward movement, and this erosion affects water quality by contributing to increased sediment loads and accumulating debris on the shoreline and threatens adjacent park infrastructure at Wendy Park.

Cleveland Metroparks hired KS Associates (via RFQu #6447 – Coastal, Shoreline and Riverfront Professional Design Services 2019-2024) to complete this nature-based shoreline restoration design, which included probable cost estimates. The design has been vetted by a team of internal staff as well as staff from the Office of Coastal Management. The Park District has again applied to the CMAG program for funds to implement this shoreline restoration project.

Cleveland Metroparks is confident in a nature-based shoreline design in this specific location because it exists within the Cleveland Harbor and does receive a measure of protection not seen by most of the Park District's other open-water locations on the lakeshore. When complete, this project will combat excessive erosion along this stretch of shoreline to benefit water quality, protect public amenities at the park, and provide additional native habitat for fish, birds, and other wildlife. This project will also serve as a demonstration and model for area practitioners.

The project budget is as follows:

Cleveland Metroparks (50%)	\$150,000
<u>Coastal Management Assistance Grant (50%)</u>	<u>\$150,000</u>
Total Project:	\$300,000

The required resolution is on page **97781**.

No. 23-01-011: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to authorize the adoption of the resolution to authorize the submittal of a grant application to the Ohio Department of Natural Resources for funding assistance of ±\$150,000 through the Coastal Management Assistance Grant Program as described above; to authorize and agree to obligate the required matching funds and all funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the program; and further, that the Board authorize the Chief Executive Officer to enter into agreements and execute any other documents as may be required to accept the grants upon award; form of agreement(s) and document(s) to be approved by Chief Legal and Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
 Nays: None.

ACTION ITEMS (cont.)**(g) *Authorization of Land Acquisition: Ironwood Golf Course Inc. Property, Hinckley Reservation (± 150 acres)***

(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Rosalina M. Fini, Chief Legal & Ethics Officer/Kyle G. Baker, Director of Real Estate & Senior Assistant Legal Counsel/Stephanie Kutsko, Senior Real Estate Manager)

Background

Since the East Branch of the Rocky River (EBRR) Greenway Study was completed in 2003, the Board has supported several acquisitions to preserve the EBRR corridor that connects Mill Stream Run, Brecksville, and Hinckley Reservations.

Hinckley Reservation, consisting of 3,081 acres, is comprised of significant natural resources and a variety of recreational opportunities. The protection goal for Hinckley Reservation is focused on preserving the EBRR, its tributaries and other sensitive resources within Hinckley Reservation. Cleveland Metroparks is interested in preserving ± 150 acres of land situated along the EBRR adjacent to an existing conservation easement and just north of Rising Valley Park. The property is located at 445 State Road in Hinckley Township (“Ironwood Property”). The Ironwood Property is currently being operated as Ironwood Golf Course, a scenic 18-hole, par 71 public facility located on 150 rolling acres. The sloping terrain features hardwood forests, lakes, rivers, gorges, and contoured greens. Ironwood Golf Course was designed by Harold Paddock, and this traditional parkland golf course first opened in 1967 (reference map page **97782**).

The Ironwood Property is in close proximity to existing high-quality resources, as it’s situated in an area that supports groundwater-driven primary headwater streams and Category 3 wetlands. The Ironwood Property presents an excellent opportunity for stream restoration projects. The acquisition of the Ironwood Property will enhance the EBRR corridor and associated tributary streams, create core natural resource areas along the river, and build upon the connections between Hinckley, Mill Stream Run, and Brecksville Reservations.

Recommended Fee Acquisition

Ironwood Golf Course Inc. has agreed to sell the ± 150-acre Ironwood Property via fee simple title for \$3,000,000. The purchase price includes all personal property associated with the operation and maintenance of the golf course including ten vintage golf carts and will be transferred through a bill of sale that will be incorporated into the purchase agreement. Also, in consideration for transfer of the Ironwood Property, Cleveland Metroparks will agree to operate the golf course for a minimum of ten years during which time Seller may play the course without charge. Cleveland Metroparks will also use all reasonable efforts to retain the employees of the golf course, however the employees will need to go through Cleveland Metroparks standard application and hiring process.

This is an important acquisition for the Rocky River watershed, preservation of the Ironwood Property will conserve greenspace along the EBRR, and expand upon this important corridor.

ACTION ITEMS (cont.)

No. 23-01-012: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to authorize the acquisition of fee simple title of ± 150 acres as hereinabove described including the personal property associated with the operation and maintenance of the golf course, from Ironwood Golf Course Inc. for a purchase price of \$3,000,000 subject to the approval of the environmental assessment report and evidence of title, including exceptions to title, by the Chief Legal and Ethics Officer; further, that the Board authorize the Chief Executive Officer to execute agreements, together with supplemental instruments related thereon to effectuate the above, if any, as deemed necessary or appropriate and in form acceptable to the Chief Legal & Ethics Officer.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

AWARD OF BIDS/RFPs/CO-OPS/SINGLE SOURCES.

No. 23-01-013: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to authorize the following awards:

- (a) **Bid #6702:** Interstate 71 Beautification Project, Brookside Reservation (see page 97738);
- (b) **Bid #6718:** Negative Travel Marine Forklift (see page 97740);
- (c) **Sourcewell Co-Op ORC 125.04 #6719:** Five (5) New 2023 Ford F250 Regular Cab 4x4 Pickup Trucks (see page 97742);
- (d) **Single Source #6723:** Student Conservation Association Conservation Corps Trail Crew (see page 97743); and,
- (e) **Ohio Co-Op ORC 125.04 #6728:** One (1) 2022 Chevrolet Silverado 5500HD Regular Cab 4x4 Dump Truck with Plow and Spreader and One (1) 2022 Chevrolet Silverado 6500HD Regular Cab 4x4 Dump Truck with Plow and Spreader (see page 97744).

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
Nays: None.

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)

**BID #6702 SUMMARY: INTERSTATE 71 BEAUTIFICATION PROJECT,
BROOKSIDE RESERVATION**

*(Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer/
Christopher Cheraso, Landscape Architect)*

Background

Cleveland Metroparks has received grant funding from the Northeast Ohio Public Energy Council (NOPEC), Energized Community Grant for the purpose of planting and maintaining trees in the City of Cleveland for the benefit of NOPEC City of Cleveland customers.

Using this funding, Cleveland Metroparks and the Ohio Department of Transportation (ODOT) have collaborated to enhance the freeway interchanges adjacent to Interstate 71 between West 25th Street and Fulton Road. ODOT will set the groundwork by first removing dead and dying trees along the interchanges. Cleveland Metroparks will follow, filling the voids with a tree palette focused on seasonal interest and viability.

Bid Results

On January 5, 2023, the following sealed bids were received for Bid #6702 – Interstate 71 Beautification Project, Brookside Reservation. Bids included a Base Bid for the work shown in the plans, including a \$5,000 Owner directed Allowance, and One Alternate. Alternate 1- add to include all labor, materials and equipment to perform the extended 16-month plant warranty as described in the detail specifications and drawings. This arrangement resulted in two (2) bids; however, one (1) bid was non-responsive. Below is a summary of the responsive bid, the engineers estimate is \$100,000:

Vendor	Total Bid (Base Bid + Allowance)	Alternate 1 (Add) Additional Plant Warranty	Total Price
Zscape, LLC	\$98,238.00	\$17,849.00	\$116,087.00

Bid Analysis

Staff has performed an analysis of the bid and determined that Zscape, LLC (“Zscape”) is well qualified to perform the project. Zscape has completed projects throughout Cleveland and for Cleveland Metroparks. Their qualifications reveal the value, expertise and experience required for the project. Zscape, who is based in North Royalton, has performed landscape installation, construction and maintenance for the past 30 years. Recently, they have performed planting projects for MetroHealth Glick Center, Opportunity Corridor, Phases 2 and 3, Northeast Ohio Regional Sewer District and the City of Cleveland. Zscape performed positively for Cleveland Metroparks in the past on restoration projects including Beecher’s Brook Restoration Project, Chagrin River at Jackson Field Restoration Project and Dunham Park.

RECOMMENDED ACTION:

That the Board authorize the Chief Executive Officer to enter into a contract with **Zscape, LLC**, as per Bid #6702, as the lowest and best bidder for Interstate 71 Beautification Project, Brookside Reservation **in the amount of \$116,087** as reflected above. In the event that the bidder cannot satisfy the bid the award will be given to the next successive bidder who the Board, in its discretion, has reflected in the minutes as being the next lowest and

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)

best bidder who can satisfy the bid. The difference in cost and all related costs to the difference will be assumed by the original bidder. Form of the contract to be approved by the Chief Legal and Ethics Officer.

(See Approval of this Item by Resolution No. 23-01-013 on Page 97737)

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)**BID #6718 SUMMARY: NEGATIVE TRAVEL MARINE FORKLIFT****Background**

Cleveland Metroparks solicited bids for a Negative Travel Marine Forklift. The award of this bid will be made to the lowest and best bid, as determined by Cleveland Metroparks, in relation to the amount, equipment being offered, compliance with the specifications, warranties, qualifications of the bidder, and the delivery date.

Bids were received from one (1) bidder: Great Lakes Power in the sum of \$545,661.

The manufacturer requires a down payment in the sum of \$272,830.50 with order (50%), with \$218,264.40 due ten (10) days before machine ships from factory (40%), and the final \$54,566.10 (10%) net 30 of delivery date.

Cleveland Metroparks staff recommends an award for the Negative Travel Marine Forklift to Great Lakes Power.

Features of the unit include but are not limited to:

1. Hydrostatic transmission
2. Hydrostatic pump and drive system
3. John Deere 4.5L Tier 4 139HP diesel engine (five (5) year warranty)
4. Electronic throttle and pilot operated controls
5. Suspension seat and safety switch
6. LCD display for engine function
7. Load moment indicator
8. Carriage radio camera
9. Center cab mast
10. 20' 304 stainless steel forks drop below grade
11. Extruded/Long fork lifts
12. Swing fork
13. 15' turning radius
14. 40' four stage mast
15. Live hydraulic ground controls
16. 20,000-pound capacity
17. 129" wheelbase
18. Non-marking tires
19. Wireless remote controls
20. Amber/Green strobes
21. Auto lube system

RECOMMENDED ACTION:

That the Board authorize the Chief Executive Officer to enter into an agreement, in a form approved by the Chief Legal & Ethics Officer, between Cleveland Metroparks and **Great Lakes Power**, as the lowest and best bidder, for a Negative Travel Marine Forklift as noted in Bid #6718, for a total cost of **\$545,661** (a deposit in the sum of

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)

\$272,830.50 down payment with order (50%), \$218,264.40 due ten (10) days before machine ships from factory (40%) and \$54,566.10 (10% net 30 of delivery date) will be required as dictated by the manufacturer).

(See Approval of this Item by Resolution No. 23-01-013 on Page 97737)

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)

SOURCEWELL CO-OP ORC 125.04 #6719 SUMMARY:
FIVE (5) NEW 2023 FORD F250 REGULAR CAB 4X4 PICKUP TRUCKS

Item	2023 Ford F250 Regular Cab 4x4 Pickup Trucks
New unit base cost-plus accessories, includes delivery and tags.	\$48,805 each
Total (x5)	\$244,025
UNITS REPLACED (Replacing five (5) Pickup Trucks)	2004 Ford F250 Pickup Truck (106,000 miles) (EO1404) 2006 Ford F350 Pickup Truck (110,000 miles) (EO1706) 2007 GMC 2500 Pickup Truck (189,000 miles) (EO2707) 2007 GMC Canyon Pickup Truck (50,000 miles) (EO1407) 2007 Dodge 1500 Pickup Truck (150,000 miles) (EO2107)

The replaced units will go to online auction or replace units of lesser value that will go to online auction.

RECOMMENDED ACTION:

That the Board approve the purchase of five (5) 2023 Ford F250 Regular Cab Pickup Trucks as per Sourcewell Co-Op ORC 125.04 #6719, equipped as specified in the above summary, from **Bob Gillingham Ford** for a **total cost of \$244,025**, in full utilization of the Ohio Cooperative Purchasing Program, Contract Number RSI010770.

(See Approval of this Item by Resolution No. 23-01-013 on Page 97737)

AWARD OF BIDS/RFPs/CO-OPS/SINGLE SOURCES (cont.)**SINGLE SOURCE #6723 SUMMARY: **STUDENT CONSERVATION ASSOCIATION
CONSERVATION CORPS TRAIL CREW****

(Originating Sources: Joseph V. Roszak, Chief Operating Officer/Jim Rodstrom, Director of Construction)

Background

The Student Conservation Association (SCA) conducts and maintains conservation corps programs across the United States for the purpose of providing educational and hands-on conservation and natural resource management opportunities. The proposed SCA crew will consist of four members and a working crew leader, all provided by SCA. The crew will perform meaningful and necessary work that corresponds with expansion and rehabilitation plans for revitalizing Cleveland Metroparks trails. Projects for this crew will consist of trail construction and rehabilitation, natural resource enhancements, and general trail management. This program will replace the traditional seasonal crews the Trails Division has utilized in the past as well as the regularly contracted work crews. Trails Fund grants and donations have been identified as the primary funding source for this program.

The scope of services for this agreement includes the following:

1. The recruitment, hiring, and training of a qualified Crew Leader to manage the Crew, implement the program, and to recruit participants to become Crew members.
2. Managing SCA Crew Leader and Crew to carry out project work as assigned for a 38-week term.
3. Providing and maintaining all administrative requirements and records for the Crew and Crew Leader.
4. Satisfying all Risk Management, Workers Compensation, Health Insurance, and pre-employment background check contract requirements.

Recommendation

SCA has proposed project deliverables and has provided a program cost of \$228,862.32 to hire, train, and administer a conservation corps trail crew consisting of a Crew Leader and four Crew Members for a 38-week term encompassing the entire 2023 trail building season. SCA is the only professional trail building organization with this type of program in place in this region of the United States. They have been organized and operating as a non-profit for 66 years and are recognized as a national leader in conservation, sustainability, and community program development.

RECOMMENDED ACTION:

That the Board authorize the Chief Executive Officer to enter into a contract with the Student Conservation Association for Single Source #6723, Student Conservation Association Conservation Corps Trail Crew in the amount of **\$228,862.32**. Form of contract to be approved by the Chief Legal and Ethics Officer.

(See Approval of this Item by Resolution No. 23-01-013 on Page 97737)

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCES (cont.)

OHIO CO-OP ORC 125.04 #6728 SUMMARY:

ONE (1) 2022 CHEVROLET SILVERADO 5500HD REGULAR CAB 4X4 DUMP TRUCK WITH PLOW AND SPREADER AND ONE (1) 2022 CHEVROLET SILVERADO 6500HD REGULAR CAB 4X4 DUMP TRUCK WITH PLOW AND SPREADER

ITEM	One (1) 2022 Chevrolet Silverado 5500HD Regular Cab 4x4 Dump Truck with Plow and Spreader and One (1) 2022 Chevrolet Silverado 6500HD Regular Cab 4x4 Dump Truck with Plow and Spreader
Description	These trucks will be equipped with 6.6L V8 turbocharged diesel engine, six (6) speed auto transmission, exterior color is oxford white, power doors and locks, and all standard equipment with a standard warranty, as per quote and in full cooperation with Ohio Cooperative Contract #RSI010203, ORC 125.04.
New unit base cost-plus accessories, includes delivery and tags.	\$95,847 and \$97,847
Units Replaced	2007 GMC 5500 Dump Truck (32,000 miles) (EO1807) 2007 GMC 5500 Dump Truck (51,000 miles) (EO0407)
TOTAL ORDER	\$193,694

The replaced units will go to online auction or replace units of lesser value that will go to online auction.

RECOMMENDED ACTION:

That the Board approve the purchase of **One (1) 2022 Chevrolet Silverado 5500HD Regular Cab 4x4 Dump Truck with Plow and Spreader and One (1) 2022 Chevrolet Silverado 6500HD Regular Cab 4x4 Dump Truck with Plow and Spreader** as per Ohio Co-Op ORC 125.04 #6728, equipped as specified in the above summary, from **Serpentini of Strongsville, for a total cost of \$193,694**, in full utilization of the Ohio Cooperative Purchasing Program, Contract Number RSI010203, ORC 125.04.

(See Approval of this Item by Resolution No. 23-01-013 on Page 97737)

GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED
SINCE LAST BOARD MEETING (Presented 1/19/23)

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 5(a), “The CEO is authorized to enter into contracts and contract amendments for construction, change orders, and to purchase equipment, goods and services, and real estate, without prior approval of the Board in each instance, if the cost of the contract or contract amendment, for any single project, or the amount of the purchase, does not exceed \$50,000. Any contracts where the cost exceeds \$10,000 or any purchase where the amount exceeds \$10,000, and approved by the CEO, shall be reported to the Board at its next regularly scheduled meeting following the execution of said contract or said purchase,” the following is provided:

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
Retail point of sale system for Retail Division in Marketing.	Shopify, Inc.	\$33,751.96	(3)
Structural engineering services for the PC&A building roof replacement at Zoo.	Osborn Engineering Company	\$18,900.00	(5)
Repairs to Forestry’s tracked lift; additional repairs.	Up Equip	\$11,687.23 <u>2,054.01</u> \$13,741.24	(3)
Professional services to remove gas cylinders from Perkins Stables at Lakefront Reservation.	Tradebe	\$17,619.80	(7)
Builder’s risk insurance coverage for the Zoo Administration renovation and expansion project; additional insurance.	Jackson Dieken & Associates	\$15,407.00 <u>1,433.00</u> 16,840.00	(7)
Cyber liability insurance for 2023.	Jackson Dieken & Associates	\$46,508.00	(7)
Co-branded merchandise for resale.	Cavaliers Holdings LLC	\$4,769.28 <u>18,500.00</u> \$23,269.28	(6)
Freight charges for 2023.	UPS Stores	\$50,000.00	(2)
Equipment rental and purchases for 2023.	Ohio Cat	\$50,000.00	(2)
Fuel infrastructure services, maintenance inspections and installations for various locations for 2023.	Collins Equipment Corp.	\$50,000.00	(2)

GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED (cont.)

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
Local Public Agency (LPA) contract administration, inspection, and quality assurance (QA) materials testing for CUY SR21/Valley Parkway Crosswalk in Brecksville Reservation; additional services.	Quality Control Inspection, Inc.	\$38,481.00 <u>7,964.00</u> \$46,445.00	(7)
Lunch services (Harvest Owl) for employees for a two (2) year period beginning January 1, 2023 through December 31, 2024.	Lunch Owl Cleveland LLC	\$50,000.00	(3)
2023 copier maintenance agreement (cost-per-copy program) for various Xerox copiers throughout Cleveland Metroparks for a one (1) year period beginning January 1, 2023 through December 31, 2023.	ComDoc, Inc.	\$50,000.00	(2)
2023 printer maintenance agreement (cost-per-copy program) for HP printers throughout Cleveland Metroparks for a one (1) year period beginning January 1, 2023 through December 31, 2023.	ComDoc, Inc.	\$15,000.00	(2)
Woody debris removal for a three (3) year period beginning January 1, 2023 through December 31, 2025 for various locations throughout Cleveland Metroparks.	Pete & Pete Container Service, Inc.	\$50,000.00	(7)
Third Party Administration (TPA) Services for workers' compensation for 2023 and 2024.	KKSG & Associates, Inc.	\$40,000.00	(7)
Professional services for electrical upgrades, drawings, and specifications to E. 55 th Street Marina at Lakefront Reservation.	Osborn Engineering Co.	\$21,400.00	(7)
One (1) new Woods TBW12.4 tow behind mower.	Mast Tractor Sales	\$22,224.27	(2)

GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED (cont.)

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
Overhead doors for Seneca Golf Course cold storage building.	Brown Overhead Door LLC	\$20,595.00	(7)
Professional services agreement for construction materials testing and inspections services at Manakiki Management Center.	PSI-Professional Services Industries, Inc.	\$15,378.00	(7)
Labor and materials to complete reframing and reinstallation of eleven (11) Andy Warhol endangered species paintings for the Zoo.	M. Gentile Studios	\$14,486.00	(3)
Repairs to Zoo bucket truck.	Dueco, Inc.	\$11,109.92	(3)
Prisoner housing for 2023.	Cuyahoga County Treasurer	\$41,464.00	(2)
One (1) year renewal of OneLogin platform service access for IT systems applications.	CDW Government, Inc.	\$19,338.88	(2)
2023 estimated lab fees for veterinary diagnostic testing for Zoo.	Indexx Distribution Inc.	\$30,000.00	(3)
2023 estimated lab fees for veterinary diagnostic testing for Zoo.	Northwest Zoopath PC	\$15,000.00	(3)
2023 Institutional Membership for Zoo animal collection database.	Species 360	\$23,116.41	(3)
Various browse for Giraffes.	Australian Outback Plantation	\$29,970.00	(3)
2022 estimated lab fees for veterinary diagnostic testing for Zoo; additional fees.	Idexx Distribution Inc.	\$30,000.00 4,750.00 <u>993.65</u> \$35,743.65	(3)

GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED (cont.)

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
2023 Ohio DAS MARCS mobile voice radio service.	Ohio DAS	\$21,960.00	(2)
2023 OARnet internet fees.	Ohio State University	\$10,440.00	(2)
Cellular camera system for Heritage and Rivergate Park Boat Docks at Lakefront Reservation.	Russell G. Corby	\$19,090.00	(3)
One (1) new 2023 Ford Escape.	Montrose Auto Group	\$30,096.00	(2)
Building materials including framing, steel roofing and siding for Seneca Golf Course Cold Storage Building; additional materials.	Lodi Lumber, Inc.	\$37,284.00 <u>1,245.74</u> \$38,529.74	(7)
One (1) used 2017 Ford Transit passenger van.	Montrose Auto Group	\$40,084.00	(3)
Meat processing for 2023 Deer Program.	Duma Deer Processing, LLC	\$49,999.00	(7)
One (1) new Xerox AltaLink C8170 color copier for Administration Building.	ComDoc	\$15,003.35	(2)

===== **KEY TO TERMS** =====

- (1) "**BID**" – Formal bid invitations sent and advertised in *The Plain Dealer* 15 days preceding the bid opening.
- (2) "**COOPERATIVE**" – Purchased through cooperative purchasing programs i.e. – State of Ohio, OMNIA, etc.
- (3) "**SINGLE SOURCE**" – Purchased from one source as competitive alternatives are not available.
- (4) "**PROPRIETARY**" – Products purchased for resale directly from the brand’s manufacturer.
- (5) "**PROFESSIONAL SERVICE**" – Services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor or appraiser as outlined under Article 5, Sections 1-4 of the Board By-Laws and defined by ORC 307.86.
- (6) "**COMPETITIVE QUOTE (up to \$10,000)**" – Originally estimated \$10,000 or less, quoted by three vendors.
- (7) "**COMPETITIVE QUOTE (over \$10,000 to \$50,000)**" – Chosen through the accumulation of three written quotes.

**CONSTRUCTION CHANGE ORDERS OR AMENDMENTS TO
PROFESSIONAL SERVICE CONTRACTS (1/19/23)**

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 5(b) and (c), “...the CEO is not authorized to enter into any change orders to construction contracts, without prior approval of the Board in each instance, except that the CEO is authorized to enter into change orders to construction contracts, without prior approval of the Board in each instance, where the additional cost is less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the total cost of the contract at the time of the change order. Each change order by the CEO under this Article shall be reported to the Board at the next meeting of the Board following the execution of said change order. The aggregate value of all change orders authorized by the CEO shall not exceed fifty percent (50%) of the original contract value without prior approval of the Board. If the Board approves a revised contract value, then the aggregate value of all change orders issued after Board approval of the revised contract value shall not exceed fifty percent (50%) of the revised contract value without additional approval of the Board.”

I. “Amendment to Professional Service Contract. For professional service contracts greater than \$50,000, the CEO is not authorized to enter into any amendment to professional services or other special services agreement, without prior approval of the Board in each instance, except that the CEO is authorized to enter into amendments to professional services and other special services agreements for additional fees, without prior approval by the Board in each instance, where the additional fees for the agreement by the CEO pursuant to this Section, are less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the total cost of the agreement at the time of the amendment. Each amendment by the CEO under this Section shall be reported to the Board at the next meeting of the Board following the execution of said amendment. The aggregate value of all amendments authorized by the CEO shall not exceed fifty percent (50%) of the original contract value without prior approval of the Board. If the Board approves a revised contract value, then the aggregate value of all change orders issued after Board approval of the revised contract value shall not exceed fifty percent (50%) of the revised contract value without additional approval of the Board.”, the following is provided:

<u>Contract</u>	<u>Item/Service</u>	<u>Vendor</u>	<u>Change Order or Amendment</u>
NONE			

AWARD OF BIDS/RFPs/CO-OPS/SINGLE SOURCES; CONSTRUCTION CHANGE ORDERS.

The following were presented to the Board for award/acknowledgment: bid/RFP/co-op/single source tabulations, as shown on pages 97737 through 97744; \$10,000 to \$50,000 purchased items/services report, pages 97745 through 97748; and construction change orders, page 97749.

APPROVAL OF VOUCHERS AND PAYROLL.

No. 23-01-001: It was moved by Vice President Berry, seconded by Vice President Moore and carried, to approve vouchers, net payroll, employee withholding taxes, and procurement card charges, as identified on pages 97783 to 97923.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.

Nays: None.

PUBLIC COMMENTS.

Public comments were offered by Marty Leshner of Olmsted Township and Lennie Stover. All such comments can be heard in their entirety by accessing the "About" section of Cleveland Metroparks website at <https://www.clevelandmetroparks.com/about/cleveland-metroparks-organization/boards-of-park-commissioners/board-meeting-archives>.

INFORMATION/BRIEFING ITEMS/POLICY.**(a) *Hemlock Conservation at Cleveland Metroparks***

(Originating Sources: Josh Philipps, Natural Resources Area Manager/Constance Hausman, Senior Conservation Science Manager/Jennifer Grieser, Director of Natural Resources)

Eastern hemlock (*Tsuga canadensis* (L.) Carr.) is considered a foundation species for our hemlock hardwood forest. Its range is typically restricted to cool ravines and moist slopes characteristic of our eastern reservations. Unfortunately, this unique native tree species is under threat from climate change and multiple pests that include elongate hemlock scale and hemlock woolly adelgid. Cleveland Metroparks Natural Resources team has been collaborating on conservation initiatives with various regional and state partners to understand the extent of these threats and to manage affected stands. Hemlock tree resilience requires a multidisciplinary management approach to ensure survival that relies on 1) survey, 2) treatment & monitoring, 3) seed collection & preservation, and 4) forest management & restoration.

(b) *Cuyahoga Greenway Partners Trail Perception Survey*

(Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer/Kelly Coffman, Principal Planner/Sara Byrnes Maier, Principal Planner)

Background

Cleveland Metroparks has long supported the development of bicycle and pedestrian connections, from major regional trails and greenways that link reservations to one another to the neighborhood trails and routes that work together to create the full active transportation network, and “Connects” is a core goal of the Park District’s *Second Century of Stewardship System Plan*. To this end, on March 18, 2021, the Board of Park Commissioners approved a resolution of support and approval of the *Cuyahoga Greenways Plan*, which had been finalized at the end of 2018. The *Cuyahoga Greenways Plan* was a joint effort between the Cuyahoga County Planning Commission, Cleveland Metroparks, and the Northeast Ohio Areawide Coordinating Agency (NOACA) to plan to create a comprehensive countywide active transportation network (see www.CuyahogaGreenways.com).

The Cuyahoga Greenway Partners, an ad hoc group of entities including Cleveland Metroparks involved in regional trail planning efforts, works to implement the *Cuyahoga Greenways Plan*. To help promote development of the active transportation network, the group has identified a need for more local data about the impact of trails, such as perceptions of safety and impact on residential property value. The Cuyahoga Greenway Partners, with administrative support from Cleveland Metroparks, will develop and field targeted surveys of residents within close proximity of trails, realtors and law enforcement entities to provide such data. Surveys will be fielded during the first half of 2023, and additional intercept surveys are planned for spring and summer. Findings will be summarized and presented to the Board and made available to partners to aid in understanding local perceptions of trails.

DATE OF NEXT MEETING.

The next Regular Meeting of the Board of Park Commissioners was scheduled by the Board for Thursday, February 16, 2023, 8:00 a.m. at the Board's office, 4101 Fulton Parkway, Cleveland, Ohio.

ADJOURNMENT TO EXECUTIVE SESSION.

No. 23-01-014: At 9:17 a.m., upon motion by Vice President Berry, seconded by Vice President Moore and carried, the meeting adjourned to an Executive Session for the purpose of discussing Collective Bargaining and a Personnel Matter (Employment of a Public Employee), as stated by Chief Legal and Ethics Officer, Rose Fini.

Roll-call vote on the motion was as follows:

Aye: Ms. Berry.
Aye: Mr. Moore.
Aye: Mr. Rinker.
Nays: None.

No action was taken as a result of the Executive Session.

ADJOURNMENT.

No. 23-01-015: There being no further matters to come before the Board, upon motion by Vice President Berry, seconded by Vice President Moore, and carried, President Rinker adjourned the meeting at 10:29 a.m.

Vote on the motion was as follows:

Ayes: Ms. Berry, Messrs. Moore and Rinker.
Nays: None.

Attest:

President.

Secretary.

PROBATE COURT
FILED
DEC 21 2022
CUYAHOGA COUNTY, O.

IN THE PROBATE COURT
 DIVISION OF THE COURT OF COMMON PLEAS
 CUYAHOGA COUNTY, OHIO

IN RE: : Doc. 139 Case No. 89032
 Board of Park Commissioners :
 of the Cleveland Metroparks District :
 : *JUDGMENT ENTRY*

On this 21st day of December, 2022, the Court finds that, effective 1/1/23 a vacancy will exist on the Board of Park Commissioners of the Cleveland Metroparks District, and the Court further finds that **DAN T. MOORE, III**, currently serving as a Board of Park Commissioner, is a person well qualified to continue to serve as a member of said Board. (See Resume attached as Exhibit-A).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that, pursuant to the provisions of O.R.C. 1545.05, the Court hereby re-appoints **DAN T. MOORE III** as a Member of the Board of Park Commissioners of the Cleveland Metroparks District for the term beginning January 1, 2023 and ending December 31, 2025.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **DAN T. MOORE III** shall give bond for the faithful performance of his duties as Park Commissioner in the sum of Five Thousand Dollars (\$5,000.00), to be approved by the Auditor of Cuyahoga County, Ohio, and that upon approval of the County Auditor, **DAN T. MOORE III** shall, effective 1/1/23, continue to be a duly appointed and qualified member of the Board of Park Commissioners of the Cleveland Metroparks District for a full three (3) year term.

DEC 21 2022

DATE

PROBATE JUDGE
JUDGE ANTHONY J. RUSSO



DAN TYLER MOORE, III

EXHIBIT A

CURRENT BUSINESS ACTIVITIES

Dan Tyler Moore, III has founded fifteen Cleveland manufacturing companies. He is currently Chairman of the following companies:

- Dan T. Moore Company, Inc., founded in 1969 is an R&D and acquisition entity and business incubator starting one new business per year based upon internally generated technology.
- Soundwich, Inc. produces high hysteresis oil resistant polymers for damping automobile engines and body components. They are developing metal/ceramic composites for engine exhaust systems.
- Flow Polymers, Inc. manufactures rubber-homogenizing aids for the tire and rubber industries. These products "compatibilize" rubber compounds, enabling rubber to be mixed more rapidly and more thoroughly with less heat history.
- Team Wendy LLC produces the energy-absorbing liner system in military helmets, helicopter and vehicle seats and knee and elbow pads using Zorbium™, a patented viscoelastic energy-absorbing foam.
- Impact Armor Technologies LLC, a start-up producer of light-weight composite armor for military vehicles.
- ePIFNI LLC/SONIC, start up ventures focused upon decontamination and redevelopment of the Department of Energy's Piketon Nuclear Reservation and technology to recycle spent nuclear fuel.
- NatGasCar – a start up venture developing a conversion kit that would allow a vehicle to run on natural gas supplied from a residence.

PATENTS AND INNOVATIONS

Mr. Moore holds 22 United States patents and a number of pending applications, mostly on advanced polymer and ceramic materials and new products incorporating advanced materials.

Over his career he has started 25 companies.

CURRENT TRUSTEESHIPS AND DIRECTORSHIPS

Cleveland Clinic Foundation (CCF), Cleveland, Ohio: A medical/research center based in Cleveland, with approximately 40,000 employees and over \$5 billion in revenues. He is a member of the Clinic's Executive Committee and is past Chairman of the CCF entity which

markets CCF's intellectual property and initiates new business start-ups based on CCF technology.

Invacare Corporation, Elyria, Ohio: A public company producing durable medical products, such as wheelchairs, hospital beds, patient aids, and oxygen concentrators. Mr. Moore became a director in 1979 as a member of the group purchasing the company. In subsequent years, annualized sales have increased from \$18 million to \$1.5 billion. Traded on NYSE.

Park-Ohio, Inc., Cleveland, Ohio: Park-Ohio is a diversified company providing integrated logistics services, and manufacturing forgings, aluminum casting, and capital equipment for induction heating. Traded on NYSE.

Hawk Group of Companies, Inc., Cleveland, Ohio: A public company - producers of airplane brakes, heavy equipment clutches, and other friction products. Traded on AMEX.

Whiskey Island Partners (WIP), Cleveland, Ohio: WIP manages the Wendy Park and marina at Whiskey Island under contract with Cuyahoga County.

MWV (Minorities with Vision) Pinnacle Group, Cleveland, Ohio: A venture fund providing equity and debt funding to ventures owned and operated by minority businesspersons.

Senior Advisor to Molded Fiber Glass (MFG), Ashtabula, Ohio: MFG produced the first Chevrolet Corvette in 1954 and has continued to be a pioneer in reinforced plastics (FRP) design and production.

Western Reserve Partners, Cleveland, Ohio: Advisor to a start-up merchant bank serving middle market clients.

University School, Cleveland, Ohio: Private two campus boys' day school - grades 1-12.

Harvard Business School Club, Cleveland, Ohio: An alumni group planning educational functions and community undertakings.

Learning Disabilities Association of Cuyahoga County

PAST TRUSTEESHIPS AND DIRECTORSHIPS

U.S. Enrichment Corporation (USEC), Bethesda, Maryland: Joined USEC at the time it was spun off from the Department of Energy. USEC, traded on the NYSE, is the world's largest enricher of uranium for nuclear power plants, and is the DOE contractor that imports enriched Russian uranium extracted from Russian nuclear weapons. Dan was the Chairman of USEC's Technical Committee of the Board of Directors.

Cleveland Museum of Natural History: The Museum, founded in 1920, has the mission of providing young people and adults with an understanding and appreciation for nature. The Museum has a significant education mission with Cleveland and suburban school systems. It has one the nation's largest natural history collections.

Cleveland Cuyahoga County Port Authority, Cleveland Ohio: Was appointed by Mayor White to serve on the Port Authority, which has maritime and economic development objectives.

Neighborhood Development Investment Fund Committee (NDIF), Cleveland, Ohio: Was appointed by Mayor White to serve. This organization was charged with investing City funds in housing, commercial and industrial development projects.

Leadership Cleveland, Cleveland, Ohio: A non-profit organization developing a spirit of volunteerism and community service among Cleveland area residents.

OTHER PAST ACTIVITIES

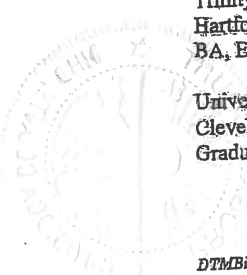
- Initiated in 2003, in conjunction with the Harvard Business School Club and several others, an entrepreneurship program developing teams of individuals that work on start-up and leverage buyout business deals. Turned project over to the new JumpStart Inc. in 2004, but remains an active participant in the program.
- Initiated a Junior Achievement Program at East Technical High School.
- In conjunction with the Small Business Administration (SBA) and four other Harvard graduates, initiated a consulting program for African American SBA applicants.
- Has been an active participant in creating Wendy Park at Whiskey Island. Bargain sale transaction completed at the end of 2004 with the help of a \$2 million contribution from the Moore family.
- Developing Cleveland Industrial Innovation Center (CIIC) at E. 170th and St. Clair in Collinwood - a 70-acre 750,000 sq. ft. industrial facility that will be dedicated to industrial activities.

EDUCATION

Harvard Graduate School of Business Administration
Boston, Massachusetts
MBA, 1966

Trinity College
Hartford, Connecticut
BA, Economics, 1963

University School
Cleveland, Ohio
Graduated 1959

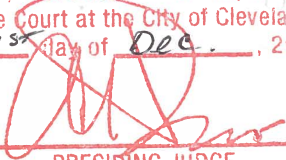


DTMBio

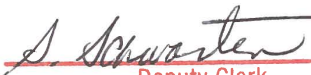
12/10/2009

The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records in this office, where the same are required to be kept by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Probate Court at the City of Cleveland, in said County, this 21st day of Dec., 2022.



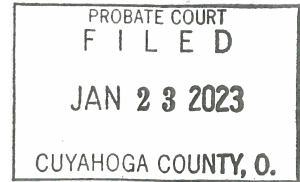
PRESIDING JUDGE



Deputy Clerk



4 pgs



January 19, 2023

**BOARD OF PARK COMMISSIONERS
OATH IN OFFICE**

January 19, 2023

I, Dan T. Moore, III, do hereby swear that I will support the Constitution of the United States of America, and the Constitution of the State of Ohio, and that I will faithfully, honestly and impartially discharge the duties as a member of the Board of Park Commissioners of the Cleveland Metropolitan Park District.

This I promise to do as I shall answer unto God.

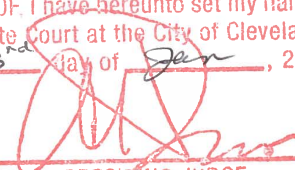


 DAN T. MOORE, III

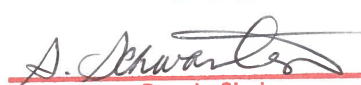
1/19/23

 Date

The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records in this office, where the same are required to be kept by law.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Probate Court at the City of Cleveland, in said County, this 23rd day of Jan, 2023.

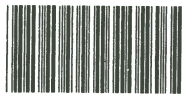


 PRESIDING JUDGE



 Deputy Clerk

1998MSC89032



3317725

PDF

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The Cincinnati Insurance Company
6200 S Gilmore Rd
Fairfield, OH 45014-5141

Public Official Bond No. B0530383

KNOW ALL MEN BY THESE PRESENTS:

That Dan T. Moore III
of Cleveland State of Ohio (hereinafter called the Principal) and
The Cincinnati Insurance Company (hereinafter called the Surety), a corporation organized under the laws of the State of
Ohio with its principal office in the City of Fairfield and the State of Ohio are held

and firmly bound unto Cleveland Metropark District
(hereinafter called the Obligee) in the sum of Five Thousand Dollars and Zero Cents

; (\$ 5,000.00) for the payment whereof
to the Obligee the Principal binds himself/herself, his/her heirs, executors, administrators, and assigns, and the Surety
binds itself, its successors, and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 23rd day of January, A.D. 2023

Whereas the above named Principal has been duly appointed or elected to the office of _____

Now, therefore, the condition of the foregoing obligation is such that if the Principal shall, during the period beginning on the
1st day of January, A.D. 2023, and ending on the 31st day of
December, A.D. 2025, faithfully perform such duties as may be imposed on him/her by law and
shall honestly account for all money that may come into his/her hands in his/her official capacity during such period, then
his/her obligation shall be void; otherwise, it shall remain in full force.

This Bond is executed by the Surety upon the following express conditions, which shall be conditions precedent
to the right of recovery hereunder:

First: That the Surety may, if it shall so elect, cancel this Bond by giving thirty (30) days notice in writing to
Cleveland Metropark District and this
Bond shall be deemed canceled at the expiration of said thirty (30) days; the Surety remaining liable, however, subject to
all terms, conditions, and provisions of this Bond, for any act or acts covered by this Bond which may have been commit-
ted by the Principal up to the date of such cancellation; and the Surety shall, upon surrender of this Bond and its release
from all liability hereunder, refund the premium paid, less a pro rata part therefor for the time this Bond shall have been in
force.

Second: That the Surety shall not be liable hereunder for the loss of any public moneys or funds occurring
through or resulting from failure of, or default in payment by, any banks or depositories in which any public moneys or
funds have been deposited, or may be deposited by or placed to the credit, or under control of the Principal, whether or
not such banks or depositories were or may be selected or designated by the Principal or by other persons; or by reason
of the allowance to, or acceptance by the Principal of any interest on said public moneys or funds, any law decision, ordi-
nance, or statute to the contrary notwithstanding.

Third: That the Surety shall not be liable for any loss or losses, resulting from the failure of the Principal to collect
any taxes, licenses, levies, assessments, etc., with the collection of which he/she may be chargeable by reason of his/her
election or appointment as aforesaid.

Witness:
Shirley Dawn
(as to the Principal)

Dan T. Moore III
Principal



The Cincinnati Insurance Company
By Julie Cline
Attorney-in-Fact: Julie L Cline

STATE OF Ohio SS
COUNTY OF Cuyahoga

Dan T. Moore III being
duly sworn, says that he/she will support the constitution of the United States and of the State of Ohio
and that he/she will faithfully, honestly, and impartially perform and discharge the duties of the office position to which
he/she has been appointed while he/she shall hold said office.

Sworn to by said Dan T Moore III
Before me, and by him/her subscribed in my presence this 30th
day of January 2023, A.D. _____
Karen L Freedman Notary Public



KAREN L. FREEDMAN
Notary Public, State of Ohio
My Commission Expires:
December 30, 2024

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

B0530383

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY and THE CINCINNATI CASUALTY COMPANY, corporations organized under the laws of the State of Ohio, and having their principal offices in the City of Fairfield, Ohio (herein collectively called the "Companies"), do hereby constitute and appoint

Julie L Cline

of Dublin OH their true and legal Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and deliver on behalf of the Companies as Surety, any and all bonds, policies, undertakings or other like instruments, as follows:

Five Thousand Dollars \$ 5,000.00

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Justice

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.



Keith Collett
Keith Collett, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 1st day of January, 2023



Ed [Signature]

RESOLUTION NO. 4499 - Adopted August 1, 1977
 RESOLUTION NO. 4682 - Revised October 6, 1980
 RESOLUTION NO. 4867 - Revised June 17, 1985
 RESOLUTION NO. 4887 - Revised October 21, 1985
 RESOLUTION NO. 4986 - Revised March 21, 1988
 RESOLUTION NO. 5034 - Revised January 9, 1989
 RESOLUTION NO. 90-01-010 - Revised January 12, 1990
 RESOLUTION NO. 91-01-006 - Revised January 10, 1991
 RESOLUTION NO. 92-01-006 - Revised January 9, 1992
 RESOLUTION NO. 93-01-005 - Revised January 8, 1993
 RESOLUTION NO. 98-01-009 - January 9, 1998 (no revisions from May 7, 1997)
 RESOLUTION NO. 99-01-006 - January 14, 1999
 RESOLUTION NO. 94-01-007 - Revised January 13, 1994
 RESOLUTION NO. 95-01-009 – Revised January 5, 1995
 RESOLUTION NO. 96-01-006 - Revised January 9, 1996
 RESOLUTION NO. 97-01-007 - Revised January 9, 1997
 RESOLUTION NO. 97-05-130 - Revised May 7, 1997

RESOLUTION NO. 00-01-007 - January 6, 2000
 RESOLUTION NO. 01-01-007 - January 11, 2001
 RESOLUTION NO. 03-01-006 - January 9, 2003
 RESOLUTION NO. 06-01-005 - January 9, 2006
 RESOLUTION NO. 08-01-005 - January 10, 2008
 RESOLUTION NO. 13-01-006- January 10, 2013
 RESOLUTION NO. 15-01-006 - January 8, 2015
 RESOLUTION NO. 16-01-004 - January 7, 2016
 RESOLUTION NO. 16-05-095 – May 26, 2016
 RESOLUTION NO. 17-01-004 - January 6, 2017
 RESOLUTION NO. 18-01-004 - January 18, 2018
 RESOLUTION NO. 20-01-006 - January 15, 2020
 RESOLUTION NO. 21-01-004 - January 14, 2021
 RESOLUTION NO. 21-12-179 - December 16, 2021
RESOLUTION NO. 23-01-00 - January 19, 2023

**BOARD OF PARK COMMISSIONERS OF THE
 CLEVELAND METROPOLITAN PARK DISTRICT**

BY-LAWS

ARTICLE 1. BOARD OF PARK COMMISSIONERS

Section 1. Board of Park Commissioners. The commissioners, appointed in accordance with Section 1545.09 of the Ohio Revised Code (ORC), will constitute the Board of Park Commissioners of the Cleveland Metropolitan Park District (the “Board”) and shall have all of the powers and responsibilities enumerated in ORC Chapter 1545. Commissioners will serve without compensation, but will be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to ORC §1545.05. The Board was created on July 23, 1917 by action of the Cuyahoga County Probate Court in accordance with provisions of ORC Chapter 1545, constitutes a separate political subdivision of the State of Ohio, and as such is not subject to the jurisdiction of any local form of government such as a county, municipality or township.

- a. Board Policies: The Board shall serve as the policy-making approval authority and shall review Board level policy at least once every five (5) years or more often as necessary. New Board policies shall have two public readings before being voted upon and adopted by the Board. Existing Board policies which are being reviewed at the five-year anniversary and contain no substantial changes, may be adopted upon one public reading.
- b. Park District Ordinances: The Board shall adopt, on an annual basis, and more frequently if necessary, Rules and Regulations that are numbered laws or decrees. Ordinances are developed by the Chief of Police, Chief Prosecuting Attorney and Chief Legal & Ethics Officer and submitted to the Board for adoption.

Section 2. Quorum. Two members constitute a quorum of the Board for any meeting. Actions of the Board may be by motion or resolution with affirmative votes of at least two members necessary in order to adopt any motion or resolution. The President may second and vote on any action.

Section 3. Officers and Appointments of the Board.

- a. The officers of this Board shall consist of a President and two Vice Presidents, and shall serve one year terms. Board members shall annually rotate through the officer positions at the first meeting of the calendar year as determined by the date of his or her appointment to the Board. Specifically, unless otherwise as is necessary, a newly appointed Board member shall serve one, one-year term as Vice President prior to serving as President. Once a Board member serves his/her term as President and if the Probate Judge appoints the Board member to an

additional term, he/she shall then serve at least one, one-year term as Vice President prior to serving an additional term as President. Pursuant to ORC §1545.07, an Executive Director-Secretary shall be chosen by the Board, and a Treasurer and outside legal counsel shall be chosen by the Board at the latest by the first meeting of the calendar year, to serve at the pleasure of the Board, and none of such positions shall be filled by members of the Board. This provision does not preclude additional legal counsel from being retained throughout the year pursuant to Article 5.

- b. The Executive Director-Secretary shall be known as the Chief Executive Officer (CEO) of the Cleveland Metropolitan Park District and shall serve as the secretary to the Board pursuant to ORC §1545.07. The CEO shall make an accurate and permanent record of the proceedings of the Board, affix his/her signature thereto after the proceedings have been approved, shall certify all vouchers approved by the Board for payment, shall set employee compensation including but not limited to tips/gratuities, commissions, merit bonuses, moving expenses, in accordance with the Board-approved compensation range established pursuant to Article 4, and shall sign, as authorized, all legal documents for and on behalf of the Board, and may authorize employees to serve in their official capacity on certain boards, commissions or offices. In the absence of the CEO from the office which is documented by a written statement, his/her designee, shall serve in the place of the CEO. The CEO may designate certain staff to execute template contracts which have been created or approved by the Legal Department. The CEO shall have the responsibility of approving operational and administrative policies which have been developed and updated by staff. These operational and administrative policies shall govern the day-to-day operations and shall be consistent with the policies formulated and adopted by the Board.
- c. The Treasurer shall be an ex officio officer of the Board and shall be known as the Chief Financial Officer (CFO), serve as custodian of their funds and serve as their fiscal officer pursuant to ORC §1545.07. The CFO will endorse all checks payable to the depository of the Board, depositing to the credit of the Board all monies received and shall certify sufficiency of funds for contracts and vouchers on behalf of the Board. The CFO shall sign all checks for payment of Board approved and CEO certified payables. The CFO shall also sign all payroll checks in compliance with the Administrative Procedure for Payroll Processing. In the absence of the CFO, his/her designee shall serve in the place of the CFO.

ARTICLE 2. MEETINGS OF THE BOARD

Section 1. Meetings. As used herein, "meeting" shall be defined as any prearranged discussion of the public business of the Board by a majority of its members.

Section 2. Business of the Board. Every meeting of the Board shall be open to the public, except the section of the meeting held in an Executive Session pursuant to applicable state law.

Section 3. Posting Time and Place of Meetings. Regular or special meetings of the Board will be determined by the Board. The meetings will be held at such times and places as the Board will from time to time designate. Notice of the date, time and place of regularly scheduled meetings will be determined annually no later than the first meeting of the calendar year, subject to change at the Board's sole discretion, and that schedule will be posted on the Board's Web site and in the Administrative Offices located at 4101 Fulton Parkway, Cleveland, Ohio 44144.

Section 4. Notice of Regular and Special Meetings to the Public. Notice of any change in date, time, or place of a regular meeting shall be posted on the Board's Website and in the Administrative Offices at least seventy-two (72) hours in advance of such meeting. The time, place and purpose of a special meeting shall be posted on the Board's Website and in the Administrative Offices at least twenty-four (24) hours in advance of such meeting, except in the case of an emergency meeting.

- a. Any person who desires to receive advance personal notice of any change in date, time or place of a regular meeting or of any regular or special meeting of the Board at which any specific type of business is to be discussed may receive such advance notice by requesting in writing annually that the CEO put his or her name on a list, and by providing (1) a current email address; or (2) current phone number; or (3) self-addressed, stamped envelopes or postcards. Notice of emergency meetings of the Board requiring immediate official action will be given only to the news media that have requested notification immediately pursuant to ORC §121.22 and as the same may be amended.

Section 5. Notification of Regular and Special Meetings to the News Media. News media requesting notification of any meetings of the Board will provide the CEO with written designation of the person to whom notification will be given, including said person's name, phone number and e-mail address. The Board will, if at all possible, provide such notice only within normal working hours. It shall be the obligation of the news media requesting notification to keep this written designation current at all times.

Section 6. Special Meetings. Special meetings of the Board shall be held upon call of any member of the Board or the CEO. Notices of special meetings shall be mailed to each member at least twenty-four (24) hours before the time of such meetings or given by telephone, e-mail or personally served on each member at least three (3) hours before the time of such meeting. If any member of the Board is unavailable for a period of at least twenty-four (24) hours before such special meeting, failure of such member to receive notice of a special meeting shall not invalidate such meeting or any of its proceedings.

Section 7. Minutes of the Board. An accurate and permanent record of the proceedings and minutes of all meetings, regular and special, shall be kept and entered in a book to be known as the "Minutes of the Board"; and the record of each meeting in the "Minutes of the Board" shall be and constitute the only evidence of the acts of the Board at such meeting, when signed at the end of the record of such meeting by the presiding officer and CEO. The Resolutions shall be properly indexed. In addition, each meeting shall be ~~tape~~ recorded and those ~~recordings tapes~~ kept in the Board archives as dictated by the records retention schedule. The CEO shall be the official custodian of all the records of the Board and shall be the proper person to certify any action of the Board.

Section 8. Minutes for Public Inspection. The minutes of the Board shall be open for public inspection and recorded after they have been read and approved by the Board. The minutes need only reflect the general subject matter of discussions in Executive Sessions which have been called and held pursuant to and in compliance with the applicable law.

Section 9. Business for Consideration of the Board. All petitions, applications and communications intended for the consideration of the Board (other than those presented by the members of the Board) must be in writing and shall not be considered nor acted upon by the Board unless placed in the hands of the CEO at least five (5) days before the meeting of the Board; provided, however, that the Board may grant exceptions to such requirement in its sole discretion. Public comment at board meetings is at the sole discretion of the Board and, if permitted, shall be received in a manner prescribed by the Board President.

Section 10. Absence of President. The President shall preside at all meetings. In the absence or disability of the President, a Vice President shall perform this duty. "Robert's Rules of Parliamentary Procedure" shall guide the proceedings of the Board when not expressly covered or provided for herein.

Section 11. Order of Business. The business of the Board will generally be considered as follows:

- a. Roll call.
- b. Minutes of previous meeting for approval or amendment.
- c. Presentation of Financial Statement.
- d. New Business/CEO's Report.
 - i. Approval of action items.
 - ii. Approval of resolution to pay expenses of the Board.
- e. Information/Briefing Items/Policy.
- f. Old business.
- g. Schedule for next meeting.

ARTICLE 3. ETHICS

Section 1. Ohio Ethics Laws. The Board and all of its employees are bound by Ohio's Ethics Laws as codified in Chapters 102 and 2921 of the Ohio Revised Code and as interpreted by the courts of Ohio and by the Opinions of the Ohio Ethics Commission and shall act in full compliance therewith. Additionally, the Board and all of its employees shall not violate any other provision of Ohio Law including, but not limited to, bribery and theft prohibitions.

Section 2. Conflict of Interest Process. In an effort to assist the Board's and its employees' compliance with the conflict of interest provisions of Ohio's Ethics Laws, a conflict of interest vetting process, which includes the review of a list of all Cleveland Metroparks current vendors and/or contractors, shall be completed biennially. In the event that a conflict of interest scenario would arise after the annual conflict of interest process was conducted, the Board member or employee shall disclose the potential conflict of interest to the CFO and Chief Legal & Ethics Officer to determine appropriate next steps.

ARTICLE 4. EMPLOYEES

The Board shall set the CEO salary, and the CEO shall set the CFO salary. The Board shall also fix the compensation range for all employees, and no person shall be employed in any position unless the compensation has been fixed for such position. The Board, in its discretion, may review the appointments of senior staff positions, prior to the person's employment, consisting of, *inter alia*, the Executive Director of Cleveland Metroparks Zoo,; Chief Legal & Ethics Officer,; Chief Human Resources Officer,; Chief Operating Officer,; Chief Planning and Design Officer,; Chief Marketing Officer,; Chief of Police,; ~~Executive Director of Golf~~

~~Operations~~, Chief Information Officer, and Chief Development Officer. Appointment of Police personnel shall be in conformance with ORC §1545.13.

ARTICLE 5. PROCUREMENT

Section 1. Procurement of Goods. In procuring any goods, the Board shall contract as a contracting authority under ORC §§~~307.86~~ to ~~307.91~~.

Section 2. Procurement of Services.

- a. *Services with a cost of greater than \$5,000 and up to and including \$50,000.* In contracting for services, unless otherwise required under any of ORC §§9.33 to 9.334 or 153.65 to 153.71, inclusive, the CEO may, after considering no fewer than three quotes from persons or entities who could perform the contract and the competence, ability and availability of said person or entity, hire any such person or entity and authorize a contract therewith.
- b. *Services with a cost over \$50,000.* In contracting for services except the services of an accountant, attorney at law, physician, consultant, surveyor, or appraiser, unless otherwise required under any of ORC §§9.33 to 9.334, inclusive, the CEO shall issue a Request for Proposal (RFP), Request for Qualifications (RFQu), Request for Information (RFI) or other competitive process to evaluate the competence, ability and availability of any person or entity and, upon the recommendation of the CEO, the Board may hire any such person or entity and authorize a contract therewith. For services of an accountant, attorney at law, physician, consultant, or appraiser, Section 2(a) shall be followed.
- c. For services valued at or below \$5,000, the CEO is authorized to implement procurement process requirements.
- d. For services obtained pursuant to Sections 2(a) or (b), the CEO need not obtain three quotes or issue a RFP, RFQu, or RFI if: (a) the purchase is being made pursuant to a joint purchasing program similar to those addressed by ORC § 9.48; (b) the purchase is of services of a proprietary nature or are otherwise limited to a single source; or (c) the purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township or municipal corporation.
- e. In procuring “professional design services,” the Board shall comply with §§ 153.65 — 153.99 of the Ohio Revised Code. “Professional design services” means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.

Section 3. Concession/Management Operations or Special Services.

- a. For agreements valued under \$100,000.00 per annum, the CEO may approve a concession/management agreement for a “new concession/management operation” on a trial, or pilot, basis to last no longer than three (3) years without conducting a RFP, RFQu, RFI or other competitive process. A “new concession/management operation” is defined as a concession/management operation the Board has not contracted for in the immediately preceding five (5) years at that location. After the trial or pilot period, an RFP, RFQu, RFI or other competitive process which evaluates multiple criteria (*i.e.*, including, but not limited to, quality, consistency with the Park District mission, level of revenue generated, etc.) shall be utilized to identify the person or entity to conduct the concession/management operation that has completed a trial or pilot time period.
- b. The CEO shall issue a RFP, RFQu, RFI or other competitive process for all concession/management operations that do not qualify as a “new concession/management operation,” to evaluate the competence, ability and availability of any person or entity, and upon the recommendation of the CEO, the Board, may hire any such person or entity and authorize a contract therewith.
 - i. Contracts for concession, management operation or other special services under Section ~~32~~(~~be~~)(~~ii~~) may be for a period of years not to exceed five (5) years, except where substantial capital improvements to be paid by the concessionaire/management entity are involved. Any such contracts may be renewed by the Board on one or more occasions, but the total number of years of all such renewals combined may not exceed the number of years of the initial contract period. Thereafter, any consideration of a further contract for the same service must first be advertised, new bids or proposals received, and then accepted by the Board.

Section 4. Procurement of Construction

- a. *Cost Up To and including \$50,000.* In contracting for anything to be constructed at a cost up to and including \$50,000 unless otherwise required under ORC §§ 153.12 to 153.14, 9.33 to 9.334, or 153.65 to 153.71, inclusive, the CEO may, after considering no fewer than three quotes from persons or entities who could perform the contract and the competence, ability and availability of said person or entity, hire any such person or entity and authorize a contract therewith.
- b. *Cost Over \$50,000.* For anything to be constructed at a cost of greater than \$50,000, the Board shall award all construction contracts to the bidder it determines to be the lowest and best bidder or the best value proposer, as the case may be, in accordance with the applicable provisions of ORC §§ 153.12 to 153.14, 9.33 to 9.334, or 153.65 to 153.71 inclusive.

Section 5. Procurement Authority of CEO.

- a. *Authority up to and including \$50,000.* The CEO is authorized to enter into contracts and contract amendments for construction, change orders, and to purchase equipment, goods and services, and real estate, without prior approval of the Board in each instance, if the cost of the contract or contract amendment, for any single project, or the amount of the purchase, does not exceed \$50,000. Any contracts where the cost exceeds \$10,000 or any purchase where the amount exceeds \$10,000, and approved by the CEO, shall be reported to the Board at its next regularly scheduled meeting following the execution of said contract or said purchase.
- b. *Change Orders.* For construction contracts that are greater than \$50,000, the CEO is not authorized to enter into any change orders to construction contracts, without prior approval of the Board in each instance, except that the CEO is authorized to enter into change orders to construction contracts, without prior approval of the Board in each instance, where the additional cost is less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the total cost of the contract at the time of the change order. Each change order by the CEO under this Article shall be reported to the Board at the next meeting of the Board following the execution of said change order. The aggregate value of all change orders authorized by the CEO shall not exceed fifty percent (50%) of the original contract value without prior approval of the Board. If the Board approves a revised contract value, then the aggregate value of all change orders issued after Board approval of the revised contract value shall not exceed fifty percent (50%) of the revised contract value without additional approval of the Board.
- c. *Amendment to Professional Service Contract.* For professional service contracts greater than \$50,000, the CEO is not authorized to enter into any amendment to professional services or other special services agreement, without prior approval of the Board in each instance, except that the CEO is authorized to enter into amendments to professional services and other special services agreements for additional fees, without prior approval by the Board in each instance, where the additional fees for the agreement by the CEO pursuant to this Section, are less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the total cost of the agreement at the time of the amendment. Each amendment by the CEO under this Section shall be reported to the Board at the next meeting of the Board following the execution of said amendment. The aggregate value of all amendments authorized by the CEO shall not exceed fifty percent (50%) of the original contract value without prior approval of the Board. If the Board approves a revised contract value, then the aggregate value of all change orders issued after Board approval of the revised contract value shall not exceed fifty percent (50%) of the revised contract value without additional approval of the Board.
- d. *Emergencies.* All goods and services must be procured in accordance with Sections 1, 2, 3 and 4 of this Article 5, except that when, due to an emergency beyond the control of the Board, or any of its officers, employees or agents, the CEO determines that the delay in utilizing the quoting, bidding or proposal process or the delay in bringing a contract in excess of \$50,000 to the Board for approval would create a real and present danger to the health, safety or well-being of the public, Board employees, or Park animals or turf or other significant resources, the CEO shall be deemed authorized, after considering the competence, ability, availability and price of any person, firm, or corporation, with respect to any services or goods, including without limitation services and goods, to hire the person, firm, or corporation and to execute a contract with such person, firm or corporation. In the case of purchases greater than \$50,000, provided that the CEO shall report such actions to each member of the Board by telephone, e-mail or facsimile transmission within one workday of such actions and by written summary of such actions containing the determination and the reasons therefore at the next meeting of the Board for ratification of the emergency contract by the Board.

Section 6. No value or use.

- a. *Sale at Auction.* Personal property not needed for Park purposes, the estimated value of which is less than \$10,000, may be sold upon approval by the CEO at public auction or by informal quotations to the highest informal bidder. Personal property not needed for Park purposes, the estimated value of which is \$10,000 or greater, may be sold upon approval by the Board at public auction or by informal quotations to the highest informal bidder. The auctioning of property set forth in this Section 6(a) may be conducted via internet auction.
- b. *Donation or Disposal of Items of No Value.* Personal property that is obsolete or unfit for the use for which it was acquired or that has no value may be auctioned at a public auction, discarded, or donated to an organization or individual deemed appropriate in the CEO's discretion.
- c. *Donation or Disposal of Items Not Saleable.* When the CEO or Board has offered personal property for sale at public auction at least once pursuant to Subsection 6(a) or 6(b), and the property has not been sold, the CEO, for property valued at less than \$10,000, or the Board, for property valued at \$10,000 or more, may authorize the sale of the property at a private sale, discard the property, or donate the property to an organization or individual deemed appropriate in the CEO's discretion.

Section 7. Certification by CFO. All contracts will be certified by the CFO for sufficiency of funds.

Section 8. Rejection of Bids and/or Proposals. In awarding any contracts pursuant to Article 5 of the By-Laws, the Board may choose to reject all bids and/or proposals.

Section 9. No Split or division. No contract may be artificially split or divided so as to avoid any of the bidding requirements provided in these By-Laws.

ARTICLE 6. APPROVAL OF VOUCHERS

Section 1. Voucher for Payment. All vouchers in payment of bills shall be certified by the CEO and then ratified for payment by a resolution duly approved by the Board at the board meeting immediately following payment.

Section 2. Approval of Payment. The resolution authorizing payment shall not include any voucher which has not been first approved by the proper employee of the Board, as to its quantity, quality, price, validity and legality.

Section 3. Certification. The CFO shall not issue his/her check unless the voucher is certified by the CEO.

ARTICLE 7. PERMANENT FILES

No papers or documents belonging to the permanent files of the Board shall be taken out of the office of the Board, except upon approval of the Board, or upon legal process.

ARTICLE 8. SETTLEMENT AUTHORITY

Section 1. Value. The following Board employees or insurance carriers pursuant to the terms of an agreement approved by the Chief Legal & Ethics Officer shall have authority to settle claims arising against the Board for up to and including the following amounts: Insurance Carrier: \$10,000; Director of Risk Management--\$25,000; Chief Legal & Ethics Officer--\$50,000; CEO--\$100,000.

Section 2. Limit of Authority. No such claim shall be settled for more than \$100,000 without the prior approval of the Board through passage of a resolution.

All previous resolutions pertaining to the bylaws of the Board of Park Commissioners of the Cleveland Metropolitan Park District are hereby repealed.

Approved this ___ day of ~~January~~December 2023~~1~~.

Board of Park Commissioners
Cleveland Metropolitan Park District

Attest:

President ~~Daniel T. Moore~~Bruce G. Rinker

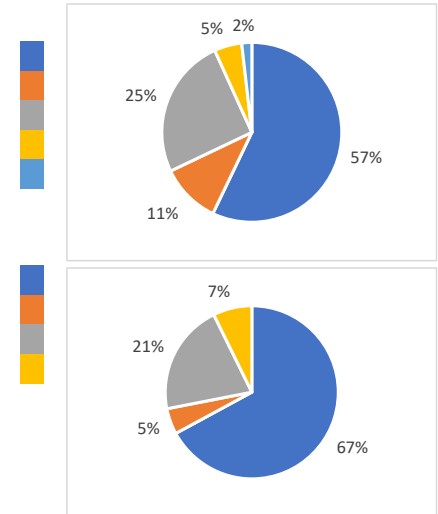
Brian M. Zimmerman, Chief Executive Officer

Vice President Debra K. Berry

Vice President Dan T. Moore~~Bruce G. Rinker~~

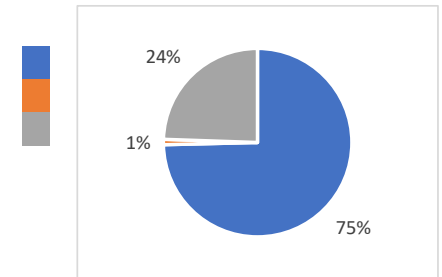
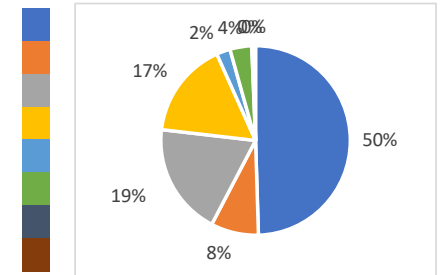
**Cleveland Metroparks
Financial Performance
12/31/2022
CM Park District**

	Actual December '21	Actual December '22	Fav (Unfav)	Actual YTD December '21	Actual YTD December '22	Fav (Unfav)
Revenue:						
Property Tax	0	8,837	8,837	77,675,530	78,482,678	807,148
Local Gov/Grants/Gifts	3,566,265	3,592,562	26,297	29,614,879	14,916,740	(14,698,139)
Charges for Services	1,444,135	1,419,461	(24,674)	31,847,484	34,780,526	2,933,042
Self-Funded	(246,792)	752,153	998,945	6,693,423	6,792,536	99,113
Interest, Fines, Other	<u>115,252</u>	<u>209,178</u>	<u>93,926</u>	<u>303,908</u>	<u>2,485,596</u>	<u>2,181,688</u>
Total Revenue	4,878,860	5,982,191	1,103,331	146,135,224	137,458,076	(8,677,148)
OpEx:						
Salaries and Benefits	5,670,056	5,673,964	(3,908)	64,194,456	69,779,114	(5,584,658)
Contractual Services	145,947	288,469	(142,522)	4,608,117	5,065,462	(457,345)
Operations	1,407,047	1,760,838	(353,791)	18,125,374	21,645,428	(3,520,054)
Self-Funded Exp	<u>485,573</u>	<u>760,555</u>	<u>(274,982)</u>	<u>7,051,644</u>	<u>7,555,626</u>	<u>(503,982)</u>
Total OpEx	7,708,623	8,483,826	(775,203)	93,979,591	104,045,630	(10,066,039)
Op Surplus/(Subsidy)	(2,829,763)	(2,501,635)	328,128	52,155,633	33,412,446	(18,743,187)
CapEx:						
Capital Labor	73,330	78,004	(4,674)	803,694	747,909	55,785
Construction Expenses	503,825	3,317,375	(2,813,550)	17,320,657	20,671,562	(3,350,905)
Capital Equipment	219,834	262,582	(42,748)	2,156,843	3,618,987	(1,462,144)
Land Acquisition	4,037,424	(182,356)	4,219,780	7,097,488	1,430,426	5,667,062
Capital Animal Costs	<u>577</u>	<u>2,068</u>	<u>(1,491)</u>	<u>29,398</u>	<u>20,233</u>	<u>9,165</u>
Total CapEx	4,834,990	3,477,673	1,357,317	27,408,080	26,489,117	918,963
Net Surplus/(Subsidy)	(7,664,753)	(5,979,308)	1,685,445	24,747,553	6,923,329	(17,824,224)



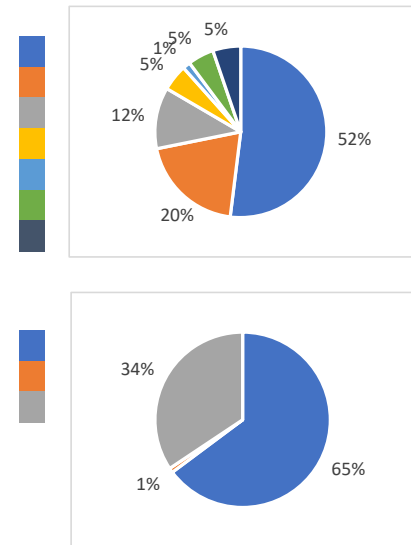
**Cleveland Metroparks
Financial Performance
12/31/2022
Zoo**

	Actual December '21	Actual December '22	Fav (Unfav)	Actual YTD December '21	Actual YTD December '22	Fav (Unfav)
Revenue:						
General/SE Admissions	328,762	341,309	12,547	7,531,473	7,287,453	(244,020)
Guest Experience	21,347	17,939	(3,408)	1,288,304	1,199,439	(88,865)
Zoo Society	0	0	0	2,249,399	2,813,234	563,835
Souvenirs/Refreshments	78,672	77,528	(1,144)	2,365,781	2,418,330	52,549
Education	9,675	2,614	(7,061)	334,064	350,335	16,271
Rentals & Events	16,979	75	(16,904)	503,719	545,485	41,766
Consignment	0	5,798	5,798	25,925	39,488	13,563
Other	<u>5,866</u>	<u>51,510</u>	<u>45,644</u>	<u>15,070</u>	<u>55,524</u>	<u>40,454</u>
Total Revenue	461,301	496,773	35,472	14,313,735	14,709,288	395,553
OpEx:						
Salaries and Benefits	1,484,365	1,282,672	201,693	14,718,018	15,769,346	(1,051,328)
Contractual Services	7,215	7,883	(668)	151,315	191,419	(40,104)
Operations	<u>364,921</u>	<u>395,453</u>	<u>(30,532)</u>	<u>4,356,447</u>	<u>5,163,972</u>	<u>(807,525)</u>
Total OpEx	1,856,501	1,686,008	170,493	19,225,780	21,124,737	(1,898,957)
Op Surplus/(Subsidy)	(1,395,200)	(1,189,235)	205,965	(4,912,045)	(6,415,449)	(1,503,404)
CapEx:						
Capital Labor	0	7,171	(7,171)	17,551	23,226	(5,675)
Construction Expenses	53,417	88,688	(35,271)	611,381	1,430,267	(818,886)
Capital Equipment	0	4,835	(4,835)	18,447	166,597	(148,150)
Capital Animal Costs	<u>577</u>	<u>2,068</u>	<u>(1,491)</u>	<u>29,398</u>	<u>20,233</u>	<u>9,165</u>
Total CapEx	53,994	102,762	(48,768)	676,777	1,640,323	(963,546)
Net Surplus/(Subsidy)	(1,449,194)	(1,291,997)	157,197	(5,588,822)	(8,055,772)	(2,466,950)
Restricted Revenue-Other	698,128	682,492	(15,636)	11,912,695	4,763,660	(7,149,035)
Restricted Revenue-Zipline	44,826	33,093	(11,733)	281,535	528,312	246,777
Restricted Expenses	<u>917,399</u>	<u>923,877</u>	<u>(6,478)</u>	<u>2,547,184</u>	<u>5,647,670</u>	<u>(3,100,486)</u>
Restricted Surplus/(Subsidy)	(174,445)	(208,292)	(33,847)	9,647,046	(355,698)	(10,002,744)



**Cleveland Metroparks
Financial Performance
12/31/2022
Golf Summary**

	Actual December '21	Actual December '22	Fav (Unfav)	Actual YTD December '21	Actual YTD December '22	Fav (Unfav)
Revenue:						
Greens Fees	53,699	32,547	(21,152)	4,744,318	5,346,294	601,976
Equipment Rentals	18,902	8,186	(10,716)	1,966,513	2,040,478	73,965
Food Service	19,210	24,958	5,748	920,134	1,190,312	270,178
Merchandise Sales	12,817	14,351	1,534	443,969	510,056	66,087
Pro Services	237	700	463	83,989	151,525	67,536
Driving Range	4,584	3,004	(1,580)	473,472	500,765	27,293
Other	<u>46,417</u>	<u>56,314</u>	<u>9,897</u>	<u>522,618</u>	<u>544,947</u>	<u>22,329</u>
Total Revenue	155,866	140,060	(15,806)	9,155,013	10,284,377	1,129,364
OpEx:						
Salaries and Benefits	287,952	366,583	(78,631)	4,370,934	5,188,314	(817,380)
Contractual Services	2,913	3,879	(966)	47,002	67,210	(20,208)
Operations	<u>94,028</u>	<u>252,026</u>	<u>(157,998)</u>	<u>2,330,959</u>	<u>2,747,191</u>	<u>(416,232)</u>
Total OpEx	384,893	622,488	(237,595)	6,748,895	8,002,715	(1,253,820)
Op Surplus/(Subsidy)	(229,027)	(482,428)	(253,401)	2,406,118	2,281,662	(124,456)
CapEx:						
Capital Labor	9,540	29,660	(20,120)	20,682	117,245	(96,563)
Construction Expenses	(160,187)	159,445	(319,632)	34,610	651,283	(616,673)
Capital Equipment	<u>0</u>	<u>49,240</u>	<u>(49,240)</u>	<u>432,262</u>	<u>502,531</u>	<u>(70,269)</u>
Total CapEx	(150,647)	238,345	(388,992)	487,554	1,271,059	(783,505)
Net Surplus/(Subsidy)	(78,380)	(720,773)	(642,393)	1,918,564	1,010,603	(907,961)

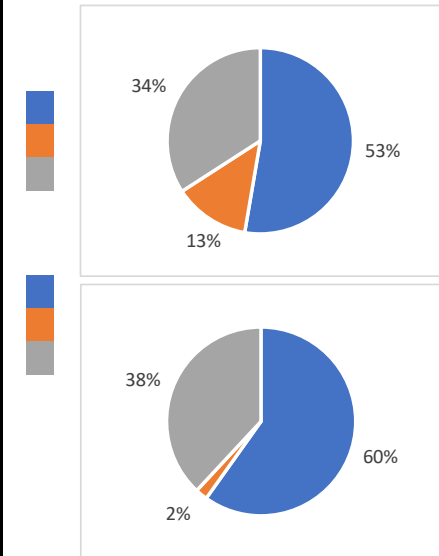


Cleveland Metroparks
 Financial Performance
 12/31/2022
 Golf Detail

	Big Met (18)		Little Met (9)		Mastick Woods (9)		Manakiki (18)		Sleepy Hollow (18)	
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	1,441,862	1,635,403	390,687	517,277	291,933	360,746	1,507,404	1,577,019	1,843,189	2,131,956
Operating Expenses	<u>1,158,646</u>	<u>1,274,386</u>	<u>292,305</u>	<u>295,032</u>	<u>208,061</u>	<u>266,297</u>	<u>993,544</u>	<u>1,138,544</u>	<u>1,415,652</u>	<u>1,623,599</u>
Operating Surplus/(Subsidy)	283,216	361,017	98,382	222,245	83,872	94,449	513,860	438,475	427,537	508,357
Capital Labor	0	0	0	38,710	0	0	0	19,389	0	8,098
Construction Expenses	92,802	78,259	0	36,754	0	0	(124,389)	377,828	37,921	65,436
Capital Equipment	<u>66,202</u>	<u>0</u>	<u>0</u>	<u>8,890</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>38,541</u>	<u>321,835</u>	<u>0</u>
Total Capital Expenditures	159,004	78,259	0	84,354	0	0	(124,389)	435,758	359,756	73,534
Net Surplus/(Subsidy)	124,212	282,758	98,382	137,891	83,872	94,449	638,249	2,717	67,781	434,823
	Shawnee Hills (27)		Washington Park (9)		Seneca (27)		Golf Admin		Total	
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	1,300,082	1,358,394	543,896	673,016	1,797,659	2,023,897	38,302	6,671	9,155,014	10,284,376
Operating Expenses	<u>827,535</u>	<u>981,028</u>	<u>443,312</u>	<u>516,303</u>	<u>1,082,398</u>	<u>1,280,948</u>	<u>327,441</u>	<u>626,577</u>	<u>6,748,895</u>	<u>8,002,714</u>
Operating Surplus/(Subsidy)	472,547	377,366	100,584	156,713	715,261	742,949	(289,139)	(619,906)	2,406,119	2,281,662
Capital Labor	0	843	0	7,669	0	42,537	20,682	0	20,682	117,246
Construction Expenses	8,816	7,757	0	20,669	0	64,580	19,460	0	34,610	651,283
Capital Equipment	<u>19,875</u>	<u>33,177</u>	<u>3,487</u>	<u>49,000</u>	<u>16,389</u>	<u>184,843</u>	<u>4,476</u>	<u>188,082</u>	<u>432,263</u>	<u>502,530</u>
Total Capital Expenditures	28,691	41,777	3,487	77,338	16,389	291,960	44,618	188,082	487,555	1,271,059
Net Surplus/(Subsidy)	443,856	335,589	97,097	79,375	698,872	450,989	(333,757)	(807,988)	1,918,564	1,010,603

**Cleveland Metroparks
Financial Performance
12/31/2022
Enterprise Summary**

	Actual December '21	Actual December '22	Fav (Unfav)	Actual YTD December '21	Actual YTD December '22	Fav (Unfav)
Revenue:						
Concessions	297,223	218,928	(78,295)	2,385,576	3,059,627	674,051
Dock Rentals	46,913	51,915	5,002	936,853	766,603	(170,250)
Other*	<u>213,019</u>	<u>234,904</u>	<u>21,885</u>	<u>1,385,856</u>	<u>1,980,965</u>	<u>595,109</u>
Total Revenue	557,155	505,747	(51,408)	4,708,285	5,807,195	1,098,910
OpEx:						
Salaries and Benefits	278,531	237,080	41,451	2,735,700	3,321,763	(586,063)
Contractual Services	2,425	2,068	357	63,637	114,534	(50,897)
Operations	<u>129,516</u>	<u>92,253</u>	<u>37,263</u>	<u>1,811,964</u>	<u>2,113,937</u>	<u>(301,973)</u>
Total OpEx	410,472	331,401	79,071	4,611,301	5,550,234	(938,933)
Op Surplus/(Subsidy)	146,683	174,346	27,663	96,984	256,961	159,977
CapEx:						
Capital Labor	4,062	6,424	(2,362)	23,589	15,982	7,607
Construction Expenses	7,068	4,221	2,847	47,219	61,257	(14,038)
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>12,720</u>	<u>20,183</u>	<u>(7,463)</u>
Total CapEx	11,130	10,645	485	83,528	97,422	(13,894)
Net Surplus/(Subsidy)	135,553	163,701	28,148	13,456	159,539	146,083



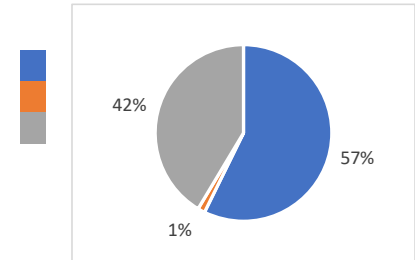
*Other includes Chalet fees, parking, hayrides, aquatics, gift cards, misc.

Cleveland Metroparks
Financial Performance
12/31/2022
Enterprise Detail

	Merwin's Wharf		EW Beach House		E55th Marina		E55th Restaurant					
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	1,275,515	1,703,751	313,851	433,439	1,039,981	982,516	528,956	442,599				
Operating Expenses	<u>1,437,573</u>	<u>1,812,497</u>	<u>219,633</u>	<u>329,591</u>	<u>415,999</u>	<u>476,692</u>	<u>454,906</u>	<u>395,881</u>				
Operating Surplus/(Subsidy)	(162,058)	(108,746)	94,218	103,848	623,982	505,824	74,050	46,718				
Capital Labor	23,589	15,982	0	0	0	0	0	0				
Construction Expenses	32,768	23,077	0	0	1,935	14,050	0	0				
Capital Equipment	<u>8,323</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(1,656)</u>	<u>7,697</u>				
Total Capital Expenditures	64,680	39,059	0	0	1,935	14,050	(1,656)	7,697				
Net Surplus/(Subsidy)	(226,738)	(147,805)	94,218	103,848	622,047	491,774	75,706	39,021				
	Wildwood		Euclid Beach		EmerNeck Marina		EmerNeck Restaurant					
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	35,201	36,258	0	5,224	423,821	445,525	110,781	294,857				
Operating Expenses	<u>41,736</u>	<u>59,184</u>	<u>1,792</u>	<u>6,562</u>	<u>311,035</u>	<u>314,012</u>	<u>73,112</u>	<u>269,861</u>				
Operating Surplus/(Subsidy)	(6,535)	(22,926)	(1,792)	(1,338)	112,786	131,513	37,669	24,996				
Capital Labor	0	0	0	0	0	0	0	0				
Construction Expenses	3,935	0	0	0	0	0	0	0				
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,882</u>	<u>0</u>				
Total Capital Expenditures	3,935	0	0	0	0	0	3,882	0				
Net Surplus/(Subsidy)	(10,470)	(22,926)	(1,792)	(1,338)	112,786	131,513	33,787	24,996				
	Edgewater Pier		Wallace Lake		Hinckley Lake		Huntington					
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	47,844	36,232	29,886	29,406	0	9,850	296,892	318,726				
Operating Expenses	<u>42,943</u>	<u>33,047</u>	<u>33,207</u>	<u>32,990</u>	<u>661</u>	<u>11,797</u>	<u>238,607</u>	<u>232,210</u>				
Operating Surplus/(Subsidy)	4,901	3,185	(3,321)	(3,584)	(661)	(1,947)	58,285	86,516				
Capital Labor	0	0	0	0	0	0	0	0				
Construction Expenses	0	0	0	0	0	0	0	0				
Capital Equipment	<u>0</u>	<u>0</u>	<u>2,171</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>				
Total Capital Expenditures	0	0	2,171	0	0	0	0	0				
Net Surplus/(Subsidy)	4,901	3,185	(5,492)	(3,584)	(661)	(1,947)	58,285	86,516				
	Chalet		Ledge Lake		Parking		Enterprise Admin				Total	
	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22	YTD December '21	YTD December '22
Operating Revenue	324,347	405,887	130,536	150,359	150,676	512,563	0	0	4,708,287	5,807,192		
Operating Expenses	<u>237,419</u>	<u>267,660</u>	<u>97,309</u>	<u>147,067</u>	<u>17,594</u>	<u>25,966</u>	<u>987,777</u>	<u>1,135,213</u>	<u>4,611,303</u>	<u>5,550,230</u>		
Operating Surplus/(Subsidy)	86,928	138,227	33,227	3,292	133,082	486,597	(987,777)	(1,135,213)	96,984	256,962		
Capital Labor	0	0	0	0	0	0	0	0	23,589	15,982		
Construction Expenses	0	0	0	0	0	0	8,581	24,131	47,219	61,258		
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>12,486</u>	<u>12,720</u>	<u>20,183</u>		
Total Capital Expenditures	0	0	0	0	0	0	8,581	36,617	83,528	97,423		
Net Surplus/(Subsidy)	86,928	138,227	33,227	3,292	133,082	486,597	(996,358)	(1,171,830)	13,456	159,539		

**Cleveland Metroparks
Financial Performance
12/31/2022
Nature Shops and Kiosks**

	Actual December '21	Actual December '22	Fav (Unfav)	Actual YTD December '21	Actual YTD December '22	Fav (Unfav)
Retail Revenue	88,242	90,589	2,347	446,926	582,840	135,914
OpEx:						
Salaries and Benefits	17,779	24,308	(6,529)	231,786	362,828	(131,042)
Contractual Services	388	781	(393)	5,028	8,435	(3,407)
Operations	<u>21,930</u>	<u>18,699</u>	<u>3,231</u>	<u>167,718</u>	<u>262,221</u>	<u>(94,503)</u>
Total OpEx	40,097	43,788	(3,691)	404,532	633,484	(228,952)
Op Surplus/(Subsidy)	48,145	46,801	(1,344)	42,394	(50,644)	(93,038)
CapEx:						
Capital Labor	0	0	0	0	0	0
Construction Expenses	0	0	0	0	0	0
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,365</u>	<u>(4,365)</u>
Total CapEx	0	0	0	0	4,365	(4,365)
Net Surplus/(Subsidy)	48,145	46,801	(1,344)	42,394	(55,009)	(97,403)



**CLEVELAND METROPARKS
ACCOUNTS RECEIVABLE AND INVESTMENTS SCHEDULES
FOR THE MONTH ENDED DECEMBER 2022**

ACCOUNTS RECEIVABLE

Current	Past Due				Total
	1-30 Days	30-60 Days	60-90 Days	Over 90 Days	
\$489,626	\$598	\$0	\$100,949	\$11,489	\$602,662

Date Placed	Bank	Description	Days of Duration	Rate	Date of Maturity	Interest Earned	EOM Balance
12/31/22	Fifth Third Securities	Money Market (A)	0	3.35%	12/31/22	\$10	\$3,334
12/31/22	STAR Ohio	State pool (B)	0	4.13%	12/31/22	\$199,185	\$56,022,854

(A) Federated Government Money Market Account.

Investment balance ranged from \$3,325 to \$3,334 in December 2022

(B) State Treasurer's Asset Reserve (STAR Ohio).

Investment balance ranged from \$55,823,669 to \$56,022,854 in December 2022

Source: Wade Steen, Chief Finance Officer
01/06/23

**CLEVELAND METROPARKS
Appropriation Summary - 2023**

Object Code	Object Description	Original Budget			Proposed Amendment #1 1/19/2023	Total
		Baseline Budget	Carry Over Encumbrances	Total		
OPERATING						
51	Salaries	\$ 64,280,149	\$ -	\$ 64,280,149	\$ (23,652) A	\$ 64,256,497
52	Employee Fringe Benefits	20,015,070	877,092	20,892,162	41 B	20,892,203
53	Contractual Services	15,837,597	3,497,959	19,335,556	183,904 C	19,519,460
54	Office Operations	26,536,916	3,396,203	29,933,119	20,975 D	29,954,094
	Operating Subtotal	126,669,732	7,771,255	134,440,987	181,268	134,622,255
CAPITAL						
571	Capital Labor	800,000	-	800,000	-	800,000
572	Capital Construction Expenses	20,538,624	15,198,380	35,737,004	12,992,408 E	48,729,412
574	Capital Equipment	3,438,515	1,831,352	5,269,867	-	5,269,867
575	Zoo Animals	75,000	3,081	78,081	-	78,081
576	Land	1,200,000	71,321	1,271,321	-	1,271,321
	Capital Subtotal	26,052,139	17,104,134	43,156,273	12,992,408	56,148,681
TOTALS						
Grand totals		\$ 152,721,871	\$ 24,875,389	\$ 177,597,260	\$ 13,173,676	\$ 190,770,937

OPERATING

51 SALARIES

- \$ (23,904) Transfer of appropriations from Part-Time Salaries to Maintenance Service Contracts to replace vacant Part-Time Staffing with a contract cleaning service at the Watershed Stewardship Center
Net budget effect is zero
- \$ 252 Increase in Full-Time Salaries for a wage increase for the Lubrizol Carbon Storage grant
Appropriation increase will be covered by existing restricted funds

A \$ (23,652) Total increase (decrease) to Salaries

52 FRINGE BENEFITS

- \$ 41 Increase in PERS and Medicare for a wage-related increase for the Lubrizol Carbon Storage grant
Appropriation increase will be covered by existing restricted funds

B \$ 41 Total increase (decrease) to Fringe Benefits

53 CONTRACTUAL SERVICES

- \$ 60,000 Increase in Contractual Services for the Zoo Andean Bear Conservation program
Appropriation increase will be covered by CMZ
- \$ 23,904 Transfer of appropriations from Part-Time Salaries to Maintenance Service Contracts to replace vacant Part-Time Staffing with a contract cleaning service at the Watershed Stewardship Center
Net budget effect is zero
- \$ 100,000 Increase in Miscellaneous Contractual Services for 2023 deliverables for the Lubrizol Carbon Storage grant
Appropriation increase will be covered by existing restricted funds

C \$ 183,904 Total increase (decrease) to Contractual Services

54 OFFICE OPERATIONS

- \$ 20,975 Increase in Miscellaneous Contractual Services for 2023 deliverables for the Lubrizol Carbon Storage grant
Appropriation increase will be covered by existing restricted funds

D \$ 20,975 Total increase (decrease) to Office Operations

\$ 181,268 TOTAL INCREASE (DECREASE) TO OPERATIONS

CAPITAL

572 CAPITAL CONSTRUCTION EXPENSES

- \$ 1,932,917 Increase in capital fund appropriations for Capital Project Expenses for PCA Infrastructure
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 882,640 Increase in capital fund appropriations for Capital Project Expenses for Zoo General Projects
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 480,517 Increase in capital fund appropriations for Capital Project Expenses for Zoo Animal Improvement Areas
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 400,000 Increase in capital fund appropriations for Capital Project Expenses for Zoo Restroom Improvements
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 342,823 Increase in capital fund appropriations for Capital Project Expenses for Zoo Roads/Paths/Parking
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 254,367 Increase in capital fund appropriations for Capital Project Expenses for Zoo RF Infrastructure
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 214,001 Increase in capital fund appropriations for Capital Project Expenses for Zoo Interpretive Programs Improvements
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 200,000 Increase in capital fund appropriations for Capital Project Expenses for Zoo Roofs
Appropriation increase will be covered by existing cash balance from unused 2022 budget
- \$ 1,096,438 Increase in capital fund appropriations for Capital Project Expenses for various projects districtwide
Appropriation increase will be covered by existing cash balance from unused 2022 budget

CLEVELAND METROPARKS

Appropriations 2023 - Legend - Amendment #1

\$	2,894,034	Increase in restricted fund appropriations for Capital Project Expenses for 1st Tee Cleveland WGLC Improvements Appropriation will be covered by new and existing restricted funds from First Tee Cleveland
\$	1,173,771	Increase in restricted fund appropriations for Capital Project Expenses for ODD Brownfield Remediation CMZ Appropriation increase will be covered by new and existing restricted funds from the Ohio Department of Development
\$	553,230	Increase in restricted fund appropriations for Capital Project Expenses for Biennium Resurfacing Appropriation increase will be covered by new and existing restricted funds from the Ohio Department of Transportation
\$	543,000	Increase in restricted fund appropriations for Capital Project Expenses for ODNR H2Ohio Old Station Road Restoration Appropriation increase will be covered by new and existing restricted funds from the Ohio Department of Natural Resources
\$	198,750	Increase in restricted fund appropriations for Capital Project Expenses for River Road Connector Appropriation increase will be covered by new and existing restricted funds from the Ohio Department of Natural Resources
\$	130,018	Increase in restricted fund appropriations for Capital Project Expenses for Coast Guard Station Renovation Appropriation increase will be covered by new and existing restricted funds from various sources
\$	101,478	Increase in restricted fund appropriations for Capital Project Expenses for Dunham Park Improvements Appropriation increase will be covered by new and existing restricted funds from the Ohio Environmental Protection Agency
\$	101,053	Increase in restricted fund appropriations for Capital Project Expenses for Acacia Conservation Appropriation increase will be covered by new and existing restricted funds from various sources
\$	1,493,371	Increase in restricted fund appropriations for Capital Project Expenses for various projects districtwide Appropriation increase will be covered by new and existing restricted funds from various sources
E	<u>\$ 12,992,408</u>	Total increase (decrease) to Capital Construction Expenses
	<u>\$ 12,992,408</u>	TOTAL INCREASE (DECREASE) TO CAPITAL
	<u>\$ 13,173,676</u>	GRAND TOTAL - INCREASE (DECREASE) FOR AMENDMENT

**Resolution of Authorization
Outdoor Recreation Legacy Partner Program
Forest Hill Park Infrastructure Restoration
January 19, 2023**

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the federal Outdoor Recreation Legacy Partnership Program, and

WHEREAS, Cleveland Metroparks desires financial assistance under the Outdoor Recreation Legacy Partnership Program,

WHEREAS, Cleveland Metroparks desires to restore infrastructure throughout Forest Hill Park in the City of East Cleveland, and

NOW, THEREFORE, be it resolved by the Board of Park Commissioners of the Cleveland Metropolitan Park District:

That the Board of Park Commissioners of the Cleveland Metropolitan Park District approves filing this application for financial assistance.

That Brian M. Zimmerman is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

That the Board of Park Commissioners of the Cleveland Metropolitan Park District does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Outdoor Recreation Legacy Partnership Program.

Bruce G. Rinker, President
Board of Park Commissioners

CERTIFICATE OF RECORDING OFFICER

I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by Cleveland Metroparks on the 19th day of January 2023, and that I am duly authorized to execute this certificate.

Brian M. Zimmerman
Chief Executive Officer

**Resolution of Authorization
Coastal Management Assistance Grant
January 19, 2023**

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources Office of Coastal Management, administers financial assistance through the federal Coastal Management Assistance Grant Program, and

WHEREAS, Cleveland Metroparks desires financial assistance under the Coastal Management Assistance Grant Program,

WHEREAS, Cleveland Metroparks desires to implement a nature-based shoreline restoration project at Wendy Park, Cuyahoga County, Ohio, and

NOW, THEREFORE, be it resolved by the Board of Park Commissioners of the Cleveland Metropolitan Park District:

That the Board of Park Commissioners of the Cleveland Metropolitan Park District approves filing this application for financial assistance.

That Brian M. Zimmerman is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

That the Board of Park Commissioners of the Cleveland Metropolitan Park District does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Coastal Management Assistance Grant Program.

Bruce G. Rinker, President
Board of Park Commissioners

CERTIFICATE OF RECORDING OFFICER

I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by Cleveland Metroparks on the 19th day of January 2023, and that I am duly authorized to execute this certificate.

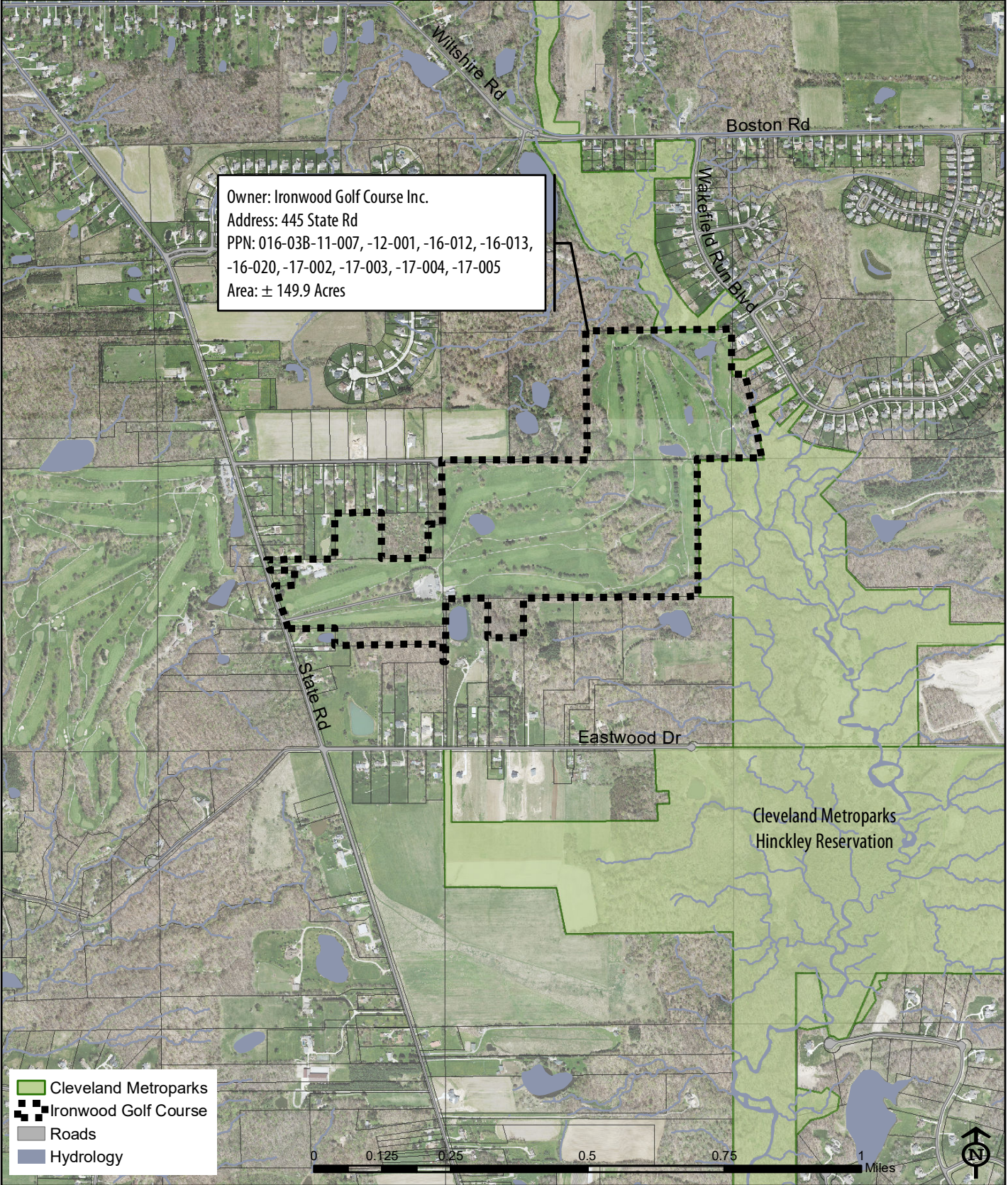
Brian M. Zimmerman
Chief Executive Officer

Hinckley Reservation

Ironwood Golf Course - Hinckley Township



Owner: Ironwood Golf Course Inc.
Address: 445 State Rd
PPN: 016-03B-11-007, -12-001, -16-012, -16-013,
-16-020, -17-002, -17-003, -17-004, -17-005
Area: ± 149.9 Acres



RESOLUTION NO. 23-01-001

The following vouchers have been reviewed as to legality of expenditure and conformity with the Ohio Revised Code.

Attest: _____

Chief Financial Officer

BE IT RESOLVED, that the payment of the following items, which may include Then and Now Certificates, are ratified by the Board of Park Commissioners. All expenditures have been reviewed and approved for payment by the Chief Financial Officer and Chief Executive Officer in accordance with the by-laws of the Board of Park Commissioners.

Direct Disbursement dated December 9, 2022 in the amount of \$192,169.32

Wire Transfer dated December 9, 2022 in the amount of \$597,064.63

Printed Checks dated December 9, 2022 in the amount of \$1,367,524.82

Direct Disbursement dated December 16, 2022 in the amount of \$163,669.62

Wire Transfer dated December 16, 2022 in the amount of \$17,158.78

Printed Checks dated December 16, 2022 in the amount of \$627,299.01

Direct Disbursement dated December 22, 2022 in the amount of \$214,452.43

Wire Transfer dated December 22, 2022 in the amount of \$585,388.08

Printed Checks dated December 22, 2022 in the amount of \$1,017,446.99

Direct Disbursement dated December 29, 2022 in the amount of \$172,974.22

Printed Checks dated December 29, 2022 in the amount of \$86,521.59

Direct Disbursement dated January 6, 2023 in the amount of \$5,135.66

Wire Transfer dated January 6, 2023 in the amount of \$623,759.78

Printed Checks dated January 6, 2023 in the amount of \$1,997,671.71

Net Payroll dated November 20, 2022 to December 3, 2022 in the amount of \$1,584,946.03

Withholding Taxes in the amount of \$385,322.12

Net Payroll dated December 4, 2022 to December 17, 2022 in the amount of \$1,426,057.85

Withholding Taxes in the amount of \$354,705.78

Bank Fees/ADP Fees in the amount of \$36,134.29

Cigna Payments in the amount of \$697,305.11

ACH Debits (First Energy; Sales Tax) in the amount of \$82,343.27

JP Morgan Mastercard/Mastercard Travel Card dated December 1, 2022 to December 31, 2022 in the amount of \$851,604.94

Total amount: \$13,086,656.03

PASSED: January 19, 2023

Attest: _____

President of The Board of Park Commissioners

Chief Executive Officer

RECOMMENDED ACTION: That the Board of Park Commissioners approves **Resolution No. 23-01-001** listed above.