

MINUTES OF THE
BOARD OF PARK COMMISSIONERS
OF THE
CLEVELAND METROPOLITAN PARK DISTRICT
JANUARY 14, 2021

The Board of Park Commissioners met on this date, Thursday, January 14, 2021, 8:00 a.m., in-person at the Board's office, 4101 Fulton Parkway, Cleveland, Ohio, and via videoconference pursuant to HB 404.

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

JUDGMENT ENTRY FROM CUYAHOGA COUNTY PROBATE COURT
APPOINTING DEBRA K. BERRY AS A MEMBER OF THE BOARD OF PARK
COMMISSIONERS FOR THE TERM BEGINNING JANUARY 1, 2021 AND ENDING
DECEMBER 31, 2023.

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 Debra K. Berry 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, 2021 and ending December 31, 2023.

A copy of the Journal Entry, Doc. 137, Case No. 89032, is reflected on pages **92954** to **92960**. The bond, in the amount of Five Thousand Dollars (\$5,000), written by Western Surety Company, and the Journal Entry, were filed with and approved by the Auditor of Cuyahoga County, in accordance with the requirements of the law, as shown on pages **92961** to **92962**.

Debra K. Berry took the Oath of Office, thereby becoming a qualified member of the Board.

ORGANIZATION OF THE BOARD.

No. 21-01-002: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, that Dan T. Moore be nominated as President of the Board for 2021, and further, to nominate Debra K. Berry and Bruce G. Rinker as Vice Presidents of the Board for 2021; 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 William Chorba as Chief Financial Officer/Treasurer.

Vote on the motion was as follows:

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

Nays: None.

APPOINTMENT OF GENERAL COUNSEL, LABOR RELATIONS & EMPLOYMENT COUNSEL, DEFENSE LITIGATION COUNSEL, EMPLOYMENT DEFENSE LITIGATION COUNSEL, WORKERS' COMPENSATION COUNSEL, AND CRIMINAL PROSECUTION COUNSEL.

Pursuant to Article 5, Section 2(b) of the By-Laws, Request for Proposal #6231 was issued for legal services on October 25, 2016 for a term of one year with the ability for four (4), one-year renewals; Request for Proposal #6291 was issued for prosecutorial services on July 3, 2017 for an initial term of five (5) months through December 31, 2017 with the ability for up to four (4), one-year terms after January 1, 2018; and, Request of Proposal #6403 was issued for defense counsel services on December 17, 2018; Request for Proposal #6477 for prosecutorial services and back-up general legal services on November 27, 2019 for a term of one year with a one-year renewal. 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) Diversity and Inclusion. The firms listed below are recommended by staff.

No. 21-01-003: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to appoint the following law firms for 2021:

1. **Thompson Hine LLP as General Counsel of the Board**, at the rate of \$270 per hour for attorneys (\$270 per hour in 2017, 2018, 2019, 2020); and \$183 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers (\$183 per hour in 2017, 2018, 2019, 2020);
2. **Zashin & Rich Co., LPA Labor Relations & Employment Counsel** at the rate of \$270 per hour for partner-level attorneys (\$270 per hour in 2017, 2018, 2019, 2020); \$245 per hour for associate-level attorneys (\$245 per hour in 2017, 2018, 2019, 2020); and \$125 per hour for the time of non-

APPOINTMENT OF COUNSEL (cont.)

lawyers, i.e., paralegals, law clerks and other non-lawyers (\$125 per hour in 2017, 2018, 2019, 2020);

Employment Defense Litigation Counsel at the rate of \$270 per hour for partner-level attorneys (\$270 per hour in 2017, 2018, 2019, 2020); \$245 per hour for associate-level attorneys (\$245 per hour in 2017, 2018, 2019, 2020); and \$125 per hour for the time of non-lawyers, i.e., paralegals and law clerks (\$125 per hour in 2017, 2018, 2019, 2020). 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 CMP/ZR rate;

Workers' Compensation Counsel, at the rate of \$215 per hour for partner-level attorneys (\$215 per hour in 2017, 2018, 2019, 2020); \$185 per hour for associate-level attorneys (\$185 per hour in 2017, 2018, 2019, 2020); and \$110 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers (\$110 per hour in 2017, 2018, 2019, 2020);

3. **Defense Litigation Counsel**

- a. **Mazanec, Raskin & Ryder Co., L.P.A.** at the rate of \$165 per hour for partners (\$165 per hour in 2017, 2018, 2019, 2020); \$145 per hour for associates (\$145 per hour in 2017, 2018, 2019, 2020); and \$110 per hour for the time of non-lawyers, i.e., paralegals, law clerks and other non-lawyers (\$110 per hour in 2017, 2018, 2019, 2020);
- b. **Collins, Roche, Utley & Garner LLC** at the rate of \$165 per hour for partners (\$165 per hour in 2019 and 2020); \$145 per hour for associates (\$145 for 2019 and 2020); and \$75 per hour for paralegals (\$75 per hour in 2019 and 2020);
- c. **Giffen & Kaminski, LLC** at the rate of \$165 per hour for partners (\$165 per hour in 2019 and 2020); \$145 per hour for associates (\$145 for 2019 and 2020); and \$100 per hour for non-lawyers (\$100 per hour in 2019 and 2020);

4. **Nicola, Gudbranson & Cooper, LLC**

Workers' Compensation Counsel at the rate of \$181 per hour for attorneys (\$181 per hour in 2017, 2018, 2019, 2020), \$110 per hour for the time for paralegals (\$110 per hour in 2017, 2018, 2019, 2020), and \$75 per hour for legal assistants and law clerks (\$75 per hour in 2017, 2018, 2019, 2020);

Criminal Prosecution Counsel at the rate of \$80 per hour for attorneys (\$80 per hour in 2017, 2018, 2019, 2020);

APPOINTMENT OF COUNSEL (cont.)

5. **McMahon DeGulis LLP** as **Environmental Projects Counsel** at the rate of \$250 per hour for partners (\$250 per hour in 2017, 2018, 2019, 2020), \$210 per hour for associates (\$210 per hour in 2017, 2018, 2019, 2020) and \$170 per hour for paralegals and law clerks (\$170 per hour in 2017, 2018, 2019, 2020);
6. **Christina F. Londrico, Esq., LLC** as **Criminal Prosecution Counsel** at the rate of \$80 per hour for attorneys (\$80 per hour in 2017, 2018, 2019, 2020).

Vote on the motion was as follows:

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

ADOPTION OF 2021 BY-LAWS.

No. 21-01-004: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to adopt the 2021 By-Laws as reflected on pages **92963** to **92968**.

Vote on the motion was as follows:

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

APPROVAL OF MINUTES.

No. 21-01-005: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to approve the minutes from the Regular Meeting of December 17, 2020, 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, William Chorba, presented a Comparative Summary of Revenues & Expenditures 2020 vs. 2019 Year-To-Date, for the Month Ended December 31, Schedule of Accounts Receivable, Encumbrances and Investments Placed, as found on pages **92969** to **92976** and they were filed for audit.

ACTION ITEMS.

- (a) **2021 Budget Adjustment No. 1**
(Originating Sources: William Chorba, Chief Financial Officer/Brian M. Zimmerman, Chief Executive Officer)

The following amendments are requested for Board approval:

CLEVELAND METROPARKS
Appropriation Summary - 2021

Object Code	Object Description	Original Budget			Total Prior Budget Amendments	Proposed Amendment #1 1/14/2021	Total
		Baseline Budget	Carry Over Encumbrances	Total			
OPERATING							
51	Salaries	\$ 52,763,744	\$ -	\$ 52,763,744	\$ -	\$ -	\$ 52,763,744
52	Employee Fringe Benefits	18,361,317	254,848	18,616,165	-	-	18,616,165
53	Contractual Services	14,829,987	3,822,946	18,652,933	-	-	18,652,933
54	Office Operations	23,476,866	4,053,289	27,530,155	-	-	27,530,155
	Operating Subtotal	109,431,914	8,131,083	117,562,997	-	-	117,562,997
CAPITAL							
571	Capital Labor	835,000	-	835,000	-	-	835,000
572	Capital Construction Expenses	20,180,409	10,086,250	30,266,659	-	744,889 A	31,011,548
574	Capital Equipment	2,749,394	680,393	3,429,787	-	-	3,429,787
575	Zoo Animals	45,000	5,973	50,973	-	-	50,973
576	Land	1,855,900	33,555	1,889,455	-	-	1,889,455
	Capital Subtotal	25,665,703	10,806,171	36,471,874	-	744,889	37,216,763
TOTALS							
Grand totals		\$ 135,097,617	\$ 18,937,254	\$ 154,034,871	\$ -	\$ 744,889	\$ 154,779,760

An explanation of the adjustments, by category, can be found on pages **92977** to **92978**. The net effect of all adjustments is an increase of \$744,889, all of which is provided for by new restricted funds.

No. 21-01-006: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to approve the 2021 Budget Adjustment No. 1 for a total increase of \$744,889 as delineated on pages **92977** to **92978**.

Vote on the motion was as follows:

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

ACTION ITEMS (cont.)

(b) *Authorization and Revision to Change Fund and Petty Cash Fund*
(Originating Source: William Chorba, Chief Financial Officer)

Cleveland Metroparks has a need for a Change Fund to be able to operate revenue-producing amenities. Additionally, the Park District has a need for a Petty Cash Fund to be able to make emergency cash and other necessary purchases (in accordance with the Petty Cash Administrative Procedure). State auditors require that the Board of Park Commissioners reauthorize existing, and approve revisions to, Change and Petty Cash Fund amounts.

Therefore, Cleveland Metroparks is requesting that the Board of Park Commissioners authorize a revised Change Fund of \$73,700, and a Petty Cash Fund of \$61,100, distributed as follows (edits or updates are indicated by ***bold italics***):

Change Fund:

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Administrative Deposit Account, Finance Department	12010	G. Butzback, Controller; <i>TBD, Accounting Manager</i>	\$ 50	\$ 50
Special Events/ Experience	13070	S. Cario, General Manager Events and Experiences; S. Dechant, Group Sales Manager	300	300
Nature Shops - North Chagrin	13301	K. Kam, Manager of Retail	200	200
Nature Shops - Rocky River	13303	K. Kam, Manager of Retail; N. Caraballo, Warehouse Specialist	250	250
Nature Shops - West Creek	13304	K. Kam, Manager of Retail	200	200
Nature Shops - Hinckley Lake	13305	K. Kam, Manager of Retail; M. Pinto, Manager of Hinckley Lake Boathouse and Store	900	900
Retail - Special Events Off-Site	13306	K. Kam, Manager of Retail	250	250

ACTION ITEMS (cont.)

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Nature Shops - Edgewater	13310	K. Kam, Manager of Retail	200	200
Ledge Pool	15702	C. Moore, Aquatics/Facilities Manager	700	700
North Chagrin Nature Center	15602	B. Majeski, Center Manager; L. Barron, Information Specialist	50	50
Look-About-Lodge	15602	B. Majeski, Center Manager	50	50
Rocky River Outdoor Education	15604	V. Fetzer, Nature Center Manager; J. Masterson, Information Specialist	50	50
CanalWay Visitor Center	15605	T. Joyce, Center Manager; J. Kubicki, Information Specialist	150	150
Watershed Stewardship Center	15606	G. Albers, Center Manager; T. Martincic, Information Specialist	50	50
Outdoor Recreation	15608	R. Nagle, Outdoor Recreation Manager; K. Braski, Information Specialist	200	200
Chalet (includes hayrides)	15703	A. McRitchie, Concession Manager	3,000	3,000
East 55 th Marina	15706	<i>TBD, General Manager of Marina Facilities & Operations;</i> A. Schill, Assistant Marina Manager	1,500	1,500
Emerald Necklace Marina	15707	<i>TBD, General Manager of Marina Facilities & Operations;</i> <i>M. Bobincheck, Assistant Marina Manager</i>	3,000	<i>1,500</i>
Wildwood Marina	15708	<i>TBD, General Manager of Marina Facilities & Operations;</i> A. Schill, Assistant Marina Manager	1,000	1,000

ACTION ITEMS (cont.)

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Park Operations Mobile Concessions	15801	B. Rockower, General Manager of Restaurant Food Service; <i>J. Reed, General Manager</i>	8,000	8,000
Wallace Lake Concessions	15802	A. McRitchie, Concession Manager	500	500
Huntington Concessions	15803	A. McRitchie, Concession Manager	2,000	2,000
The Pier Edgewater Concessions	15805	A. McRitchie, Concession Manager	1,500	1,500
Hinckley Spillway Concessions	15806	A. McRitchie, Concession Manager	1,000	1,000
Euclid Beach Concessions	15807	<i>TBD, General Manager of Marina Facilities & Operations</i>	1,000	1,000
Merwin's Wharf	15850	B. Rockower, General Manager of Restaurant Food Service; <i>K. Johnson, Assistant Manager</i>	4,000	4,000
East 55 th Restaurant	15851	B. Rockower, General Manager of Restaurant Food Service; <i>S. Carroll, Assistant Manager</i>	3,000	3,000
EN Marina Restaurant	15852	K. Beltavski, Assistant Restaurant Manager	2,000	2,000
Edgewater Beach House	15853	B. Rockower, General Manager of Restaurant Food Service; <i>K. Karp, Assistant Manager</i>	6,000	6,000
Zoo	17401	T. Savona, Director of Revenue; T. Moore, Admissions Manager Zoo Guest Services	20,000	20,000
Big Met Clubhouse	31101	M. Pucky, Golf Course General Manager; <i>D. Crandall, Golf Clubhouse Manager/Pro</i>	1,500	1,500

ACTION ITEMS (cont.)

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Big Met Concessions	31102	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	1,000	1,000
Little Met Clubhouse	31201	M. Pucky, Golf Course General Manager	800	800
Mastick Woods Clubhouse	31301	M. Pucky, Golf Course General Manager; M. Inman, Assistant Clubhouse Supervisor	800	800
Manakiki Clubhouse	31401	B. Roeder, Golf Course General Manager; M. Johnson, Golf Clubhouse Manager/Pro	1,500	1,500
Sleepy Hollow Clubhouse	31501	C. Lewanski, Golf Course General Manager; J. Fiander, Golf Clubhouse Manager/Pro	1,500	1,500
Sleepy Hollow Concessions	31502	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	1,000	1,000
Shawnee Hills Clubhouse	31601	B. Vecchio, Golf Course General Manager; TBD, Clubhouse Supervisor/Pro	1,500	1,500
Shawnee Hills Concessions	31602	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	1,000	1,000
Washington Golf Learning Center Clubhouse	31701	B. Vecchio, Golf Course General Manager; B. Ladaika, Golf Professional/ Camp & Events Coordinator	1,000	1,000
Seneca Clubhouse	31801	D. Donner, Golf Course General Manager; G. Koller, Golf Clubhouse Manager/Pro	1,500	1,500
Seneca Concessions	31802	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	1,000	1,000
Total Change Fund			\$ 75,200	\$73,700

ACTION ITEMS (cont.)

Petty Cash:

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Administrative Petty Cash, Finance Department	12010	G. Butzback, Controller; <i>TBD, Accounting Manager</i>	\$ 20,000	\$ 20,000
Special Purchase Account, Finance Department	12010	G. Butzback, Controller; <i>TBD, Accounting Manager</i>	20,000	20,000
Nature Shops - North Chagrin	13301	K. Kam, Manager of Retail	50	50
Nature Shops - Rocky River	13303	K. Kam, Manager of Retail; N. Caraballo, Warehouse Specialist	50	50
Nature Shops - West Creek	13304	K. Kam, Manager of Retail	50	50
Nature Shops - Hinckley Lake	13305	K. Kam, Manager of Retail; M. Pinto, Manager of Hinckley Lake Boathouse and Store	50	50
Nature Shops - Edgewater	13310	K. Kam, Manager of Retail	100	100
Chalet	15703	A. McRitchie, Concession Manager	300	300
East 55 th Marina	15706	<i>TBD, General Manager of Marina Facilities & Operations;</i> A. Schill, Assistant Marina Manager	500	500
Emerald Necklace Marina	15707	<i>TBD, General Manager of Marina Facilities & Operations;</i> <i>M. Bobincheck, Assistant Marina Manager</i>	500	500
Wildwood Marina	15708	<i>TBD, General Manager of Marina Facilities & Operations;</i> <i>A. Schill, Assistant Marina Manager</i>	500	500

ACTION ITEMS (cont.)

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Euclid Beach Concessions	15807	<i>B. Rockower, General Manager of Restaurant Food Service</i>	500	500
Merwin’s Wharf	15850	B. Rockower, General Manager of Restaurant Food Service; <i>K. Johnson, Assistant Manager</i>	2,000	2,000
East 55 th Restaurant	15851	B. Rockower, General Manager of Restaurant Food Service; <i>S. Carroll, Assistant Manager</i>	2,000	2,000
EN Marina Restaurant	15852	K. Beltavski, Assistant Restaurant Manager	2,000	2,000
Edgewater Beach House	15853	B. Rockower, General Manager of Restaurant Food Service; <i>K. Karp, Assistant Manager</i>	2,000	2,000
Big Met Concessions	31102	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	2,000	2,000
Little Met Clubhouse	31201	M. Pucky, Golf Course General Manager	500	500
Mastick Woods Clubhouse	31301	M. Pucky, Golf Course General Manager; M. Inman, Assistant Clubhouse Supervisor	1,000	1,000
Sleepy Hollow Concessions	31502	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf; <i>B. Smith, Chef</i>	2,500	2,500
Shawnee Hills Concessions	31602	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	2,000	2,000
Washington Golf Learning Center Clubhouse	31701	B. Vecchio, Golf Course General Manager; <i>B. Ladaika, Golf Professional/ Camp & Events Coordinator</i>	500	500

ACTION ITEMS (cont.)

Location	Division Number	Custodian/Title	Current 2020	Proposed 2021
Seneca Concessions	31802	K. Vitrano, General Manager of Restaurant, Food & Beverage – Golf	2,000	2,000
Total Petty Cash Fund			\$61,100	\$61,100

No. 21-01-007: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to authorize revised Change and Petty Cash Funds as listed above.

Vote on the motion was as follows:

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

Nays: None.

(c) ***Designation of 2021 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. who reflects the following:

President: Dan Jones
 Located in Columbus; four full-time staff.

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.

ACTION ITEMS (cont.)

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's in Business Administration.

Clients: Columbus Zoo and Aquarium
The Wilds
Big Brothers/Big Sisters of Central Ohio
Ohio Nursery and Landscape Association
American College of Surgeons, Ohio Chapter
American Electric Power
Columbus and Franklin County Metropolitan Park District

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, 2021, payable in installments of \$2,500 per month, for an annual fee of \$30,000.

No. 21-01-008: It was moved by Vice President Rinker, seconded by Vice President Berry 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, 2021 through December 31, 2021, at the rate of \$2,500 per month, for a total annual fee of \$30,000.

Vote on the motion was as follows:

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

Nays: None.

(d) *Award of RFP #6539-b – Construction Manager at Risk for Cleveland Metroparks Zoo – Zoo Zip Line*
(Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer, Andy Simons, Project Manager)

Background

On November 10, 2020, Cleveland Metroparks advertised a Request for Qualifications (RFQu #6539) for interested parties to submit qualifications related to the performance of Construction Manager at Risk for the Cleveland Metroparks Zoo Zip Line (Project). As presented to the Board on November 19, 2020, the Project includes the construction and installation of a unique zip line experience, in the heart of the Cleveland Metroparks Zoo.

Supplied by Altitude Rides and Attractions, LLC, the Soaring Eagle Zip Line has been installed at several zoos around the country resulting in a unique revenue generating

ACTION ITEMS (cont.)

opportunity. Soaring Eagle Zipline is a unique and proprietary zipline experience that originates and returns to the same location which allows family groups to stay together, and kids and teens to safely ride and return to the point of origin. Additionally, the two-person seat design allows for greater accessibility for a broader audience than a traditional zipline which requires a harness. The zipline is also usable in four seasons, as it is operational at multiple ski resorts around the country. As such, the zipline provides a revenue opportunity that fits with the Zoo’s core demographic and provides the opportunity to expand the demographic to a more adventure-seeking audience.

Altitude Rides and Attractions, LLC will be fabricating and providing two approximately 680-foot-long ziplines that include carts, drive cables, braking, control panel and LED light and sound packages. Site preparation is needed to accept delivery and perform installation of the dual ziplines via services of a construction manager (at risk). The construction manager will provide a guaranteed maximum price to perform the necessary site improvements which will be in addition to the zip line fabrication costs.

Cleveland Metroparks staff prepared RFQu #6539 and requested that the respondents demonstrate qualifications relative to unique challenges that the Project presents. The construction manager at risk RFQu yielded nine (9) responding construction manager at risk firms. Each firm’s statements of qualifications were reviewed by a panel of Cleveland Metroparks staff, including Sean McDermott, Andy Simons, John Cardwell, Christopher Widdowson, and Christopher Lowe.

Cleveland Metroparks Construction Manager at Risk for Cleveland Metroparks Zoo Zoo Zip Line RFQu #6539	
Construction Manager (at Risk) Firm	Short List
A. M. Higley Co.	X
CT Taylor Company	
Engelke Construction Solutions	
The Great Lakes Construction Company	
Panzica Construction	X
Regency Construction Services	X
Save One’s Life	
Schirmer Construction LLC	
Turner Construction Company	

Through an independent evaluation of the qualifications, the review panel determined a short list of three firms and requested a proposal (RFP #6539-b) from each. Following receipt of the proposal each short-listed firm was interviewed. Following the interviews, the proposals from each short-listed construction management firm were then ranked by the panel in compliance with the Ohio Revised Code (ORC). As permitted by the ORC, both the qualifications of the firm and their proposed price are blended to produce a “best value” score. At Cleveland Metroparks election, qualifications are weighted at 70% and price at 30%. Below is a listing of the three short-listed firms, and their correlating “best value” score.

ACTION ITEMS (cont.)

RFP #6539-b Results

Ranking	Construction Manager (at Risk) Firm	Price (sum)	(1) Price Component (30 pts max)	(2) Qualifications Component (70 pts max)	(1)+(2) Best Value Score (100 pts max)
1	Regency Construction Services, Inc.	\$114,575	29.8	69.3	99.1
2	A.M. Higley Co.	\$113,640	30	67.9	97.9
3	Panzica Construction	\$135,540	24.2	68.6	92.8

The price reflected in the above table includes the preconstruction services fee, the preconstruction stage compensation, a \$10,000 design assist allowance, estimated general conditions costs (based on percentage of construction cost), and the construction manager at risk fee (based on percentage of construction cost). The current construction cost is estimated at \$800,000 (not inclusive of the zip line fabrication and delivery costs). Once construction documents are nearing finalization, staff will return to the Board to set a Guaranteed Maximum Price for each phase of construction, at which time the construction costs, the general conditions costs, and the construction manager fee will be finalized. Upon the negotiation of a contract with the recommended construction manager, Regency Construction Services, Inc., the preconstruction stage compensation will be established at \$20,800, which is inclusive of the \$10,000 design assist allowance.

RFP Analysis

Staff recommends the construction manager at risk contract be negotiated and awarded to **Regency Construction Services, Inc.** (“Regency”). Regency, based in Brook Park, has performed positively for Cleveland Metroparks in the past on projects such as Stillwater Place, Zoo 4-D Theater, Mandel Welcome Pavilion, RainForest Dome Replacement, among others. The combination of Regency’s abilities, thoughtful approach to the Project, understanding of how best to execute design assist, and competitive pricing provide many positive attributes for the Project. Their project team and goals align with Cleveland Metroparks staff. Their understanding of the Project, approach and methodology will prove valuable in the execution of the Project in the aggressive timeline desired. Regency’s team experience with similar and complementary projects, along with the competitive price associated with their services, establishes their firm as the “best value” when ranked against the other short-listed construction manager (at risk) firms. Notwithstanding, the Panzica and Higley teams submitted thorough and competitive proposals and interviewed extremely well.

No. 21-01-009:

It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to authorize the Chief Executive Officer to enter into a Guaranteed Maximum Price contract with **Regency Construction Services, Inc.**, being ranked as the “best value” for RFP #6539-b, Cleveland Metroparks Zoo - Zoo Zip Line, inclusive of \$20,800 for preconstruction stage compensation. In the event that a GMP contract cannot be negotiated with the construction manager, a contract would then

ACTION ITEMS (cont.)

be negotiated, per Ohio Revised Code, with the next ranked construction manager, who the Board, in its discretion, has reflected in the minutes as being the next ranked construction manager. Form of contract to be approved by the Chief Legal and Ethics Officer.

Vote on the motion was as follows:

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

Nays: None.

- (e) ***Amendments to Management Services Agreements and Waivers of Certain Management Services Fees as a Result of COVID-19 – Dino's at Manakiki (RFP #5970), Dino's at Acacia (RFP #5885), Go Ape High Ropes Course (RFP #5986), Cleveland Plays Volleyball (RFP #6129)***
(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Joseph V. Roszak, Chief Operating Officer/William Chorba, Chief Financial Officer/Rosalina M. Fini, Chief Legal & Ethics Officer/Katie M. McVoy, Assistant Legal Counsel/Brittany B. Taylor, Sr. Legal Assistant)

Background**COVID-19**

On March 23, 2020, the Director of the Ohio Department of Health ("ODH") instituted a stay-at-home order in Ohio to combat the rapidly spreading COVID-19 pandemic. The stay-at-home order required nonessential businesses to close, and mandated that Ohioans stay at home, except to engage in essential activities. The stay-at-home order shuttered banquet facilities, outdoor recreational facilities and amateur sports leagues. When these businesses were allowed to reopen beginning in May 2020 (outdoor recreation) and June 2020 (banquet facilities), the ODH instituted mandatory guidelines severely limiting the number of participants and guests and requiring masks and social distancing.

Several of Cleveland Metroparks' management services partners were significantly impacted by the orders and the COVID pandemic, resulting in losses of tens to hundreds of thousands of dollars in revenue. The management services partners who operate Dino's at Manakiki and Acacia, the Go Ape high ropes course at Mill Stream Run and volleyball operations at Whiskey Island approached Cleveland Metroparks to request full forgiveness of or changes to their annual remittances for 2020 and/or changes to their contracts. The requests were made in early- to mid-2020, but were not fully considered by Cleveland Metroparks until financial information for the year could be gathered for each partner to allow consideration of the full impact of the pandemic and the likelihood of the partner being financially able to operate after the pandemic ends.

After engaging in discussions with its partners and reviewing their financial information, Cleveland Metroparks staff recommends that amendments be made to certain management services contracts and certain fees be waived for the 2020 year to allow its

ACTION ITEMS (cont.)

management services partners to survive the COVID-19 pandemic and continue to provide services to Cleveland Metroparks patrons. Staff details each of those amendments and waivers here.

Dino's at Manakiki

In response to proposals submitted in response to Request for Proposal #5970 to manage the Manakiki banquet/conference facility catering operation and the golf clubhouse food service/snack bar, the Board voted to award the Management Services Agreement to Dino's Catering Inc. ("Dino's"), with a term through April 30, 2019, which was extended through April 30, 2024.

The remittances for the years 2019-2020 through 2023-2024 are \$110,000 per year.

Dino's at Manakiki was closed from March 23, 2020 through May 31, 2020 and was limited by public health orders after reopening in June. In response to Dino's financial situation and federal and state orders requesting forbearance of rent, including Governor DeWine's Executive Order 2020-8D, Cleveland Metroparks staff suspended payment of rent for Dino's through October.

Dino's gross profits at Manakiki through August 2020 were approximately 30% of 2019 gross profits, and, even excluding deferred rent and utility payments, net losses were three times the amount of net loss in 2019 during the same period.

In response to COVID-19, Cleveland Metroparks staff recommends the following changes to the Dino's contract at Manakiki:

- Waive \$55,000 of rent payments for 2020, which represents approximately 2/3 of outstanding rent payments for the year
- Dino's will pay Cleveland Metroparks \$27,500 in back rent payments for 2020 and \$20,192.27 in back utility payments for 2020 in 18 installments beginning in January 2021
- For January 1, 2021 through June 30, 2021, replace Dino's contractually required payments of \$5,500 (January-April) and \$11,000 (May and June) with a profit-sharing model in which Dino's will pay to Cleveland Metroparks 15% of all sales over \$40,000

Dino's at Acacia

In response to proposals submitted in response to RFP #5885 for managing the Acacia Facility concession operation, the Board voted to award the management services agreement to Dino's Catering Inc. d/b/a Dino's Restaurant Group, LLC ("Dino's"), with a term through March 31, 2018, which term was extended through March 31, 2023. The required remittances are \$135,000 for 2019/2020, \$140,000 for 2020/2021, and \$145,000 each for 2021/2022 and 2022/2023.

ACTION ITEMS (cont.)

Dino's at Acacia was closed from March 23, 2020 through May 31, 2020 and impacted by other public health orders upon reopening. As was the case with Manakiki, Cleveland Metroparks staff suspended payment of rent for Dino's through October.

As a result of COVID-19, Dino's gross profits at Acacia through August 2020 were less than 20% of 2019 gross profits, and, even excluding deferred rent and utility payments, Dino's at Acacia recognized a net loss five times greater than its net gain during the same period in 2019.

In response to COVID-19, Cleveland Metroparks staff recommends the following changes to the Dino's contract at Acacia:

- Cleveland Metroparks waives outstanding rent payments for 2020 for a total of \$110,000
- Cleveland Metroparks waives outstanding utility payments for March 2020 through August 2020 for a total of \$36,269.21
- Provided Dino's continues to operate at Acacia during 2021, Cleveland Metroparks waives rent payments in 2021
- Dino's pays utility payments for September 2020 through December 2021
- The contract will terminate December 31, 2021 rather than March 31, 2023

High Ropes Course at Mill Stream Run

In response to a single proposal submitted in response to RFP #5986 for operation of a high ropes course at Mill Stream Run, the Board awarded the management services to Adventure Forest LLC (for Go Ape Mill Stream Run LLC), for an initial ten-year period. The parties are in year six of the Agreement, which will run through at least April 2025.

Outdoor recreation was shuttered on March 23, 2020. Go Ape could not reopen its axe throwing course until June 20, 2020; its ropes course was opened on July 1, 2020. Go Ape, which in typical years earns between \$350,000 and \$500,000, brought in \$209,513 in 2020.

The Agreement has an annual guaranteed minimum payment of \$20,000 with the following graduated revenue share model:

Gross Revenues of \$800,000 or less	3% of Gross Revenues
Gross Revenues of more than \$800,000 but \$900,000 or less	4% of Gross Revenues
Gross Revenues of more than \$900,000 but \$1,000,000 or less	5% of Gross Revenues
Gross Revenues of more than \$1,000,000	6% of Gross Revenues

As a result of COVID-19, Cleveland Metroparks staff recommends the following changes:

ACTION ITEMS (cont.)

- Waive its minimum fee for 2020
- Continue the same graduated revenue share model, but reduce the annual guaranteed minimum payment from \$20,000 to \$10,000 beginning in 2021 and for each year remaining in the Agreement

Volleyball Court Operation at Wendy Park and E. 55th Marina

On October 5, 2015, Cleveland Metroparks issued RFP #6129 for proposals to manage the volleyball court operations at Wendy Park and E. 55th Street Marina for a three (3) year agreement term with the potential for a longer term. On December 17, 2015, based upon staff's recommendation, the Board voted to award the Management Services Agreement to Cleveland Plays, Inc. ("Cleveland Plays") pursuant to Board Resolution No. 15-12-204. The Agreement was amended three times to allow operation of the Court through December 31, 2021. Remittances for 2020 and 2021 are \$12,500 per year.

Cleveland Plays did not operate leagues during the first half of its usual summer season, reopening with fewer teams than usual on June 29, 2020. Cleveland Plays' gross profits were approximately 21% of its profits during 2019. With property taxes and rent, Cleveland Plays will suffer a net loss in 2020 of approximately the same amount as its net profits in 2019.

As a result of COVID-19, Cleveland Metroparks staff recommends the following change to Cleveland Plays' payment in 2020:

- Cleveland Metroparks will waive \$8,500 of Cleveland Plays' 2020 annual remittance; Cleveland Plays will pay the remaining \$4,000

No. 21-01-010:

It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to approve and authorize the Chief Executive Officer to execute, via amendments and/or waivers, the following changes to the identified contracts in a form approved by the Chief Legal & Ethics Officer:

- (1) Dino's at Manakiki: (a) waive \$55,000 of rent payments for 2020; (b) modify rent for January 2021-June 2021 to a profit share model, whereby Dino's pays Cleveland Metroparks 15% of all sales over \$40,000; (c) change the payment schedule to allow Dino's to pay back-rent and utility payments over 18 months beginning January 2021;
- (2) Dino's at Acacia: (a) waive \$146,269.21 of rent and utility payments for 2020; (b) waive rent payments in 2021; (c) modify the termination date from March 31, 2023 to December 31, 2021;
- (3) Go Ape: (a) Waive the 2020 annual guaranteed minimum payment of \$20,000; (b) Modify the annual guaranteed minimum payment to a \$10,000 minimum payment for the remainder of the term; and,
- (4) Cleveland Plays: Waive \$8,500 of rent payments for 2020.

ACTION ITEMS (cont.)

Vote on the motion was as follows:

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

Nays: None.

(f) ***Authorization of Acquisition: French Street, Ltd. Property, Rivergate Park Operations Center***

(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Joseph V. Roszak, Chief Operating Officer/Sean E. McDermott, Chief Planning and Design Officer/Rosalina M. Fini, Chief Legal & Ethics Officer/Kyle G. Baker, Director of Real Estate & Senior Assistant Legal Counsel/Stephanie A. Kutsko, Real Estate Manager)

Cleveland Metroparks is currently leasing the first floor of a building located at 1772 and 1776 Columbus Road, Cleveland from Columbus Road Foundry LLC (the “Foundry”) for park operations/management, storage and maintenance of equipment. The most recent lease term was renewed in July of 2020. Cleveland Metroparks received notice from the Foundry that they sold the property to Integrity Realty Group and that the new owner would honor the current lease term, which expires in July of 2022. However, it is currently unknown as to whether Cleveland Metroparks will be able to continue to lease the building beyond the current lease term. Aware of this fact and the potential uncertainty it creates, along with the adjacent expanding trail network, Cleveland Metroparks leadership and staff began exploring alternatives for a new operations center.

Unsolicited, in late 2020, Greg and Barb Scott reached out to Cleveland Metroparks with an interest in selling their property located at 1045 French Street and 1725 Fall Street, Cleveland (“French Street Property”) to Cleveland Metroparks (see map, page [92979](#)). The Scott’s formerly operated a printing company at this location and have recently retired and approached Cleveland Metroparks about acquiring the French Street Property prior to listing it for sale with a Realtor. Given the central location and proximity to Rivergate Park, Lakefront and Ohio & Erie Canal Reservations, future Irishtown Bend improvements, and the recently constructed Cleveland Foundation Centennial Lake Link Trail, Towpath Trail, Red Line Greenway, and other associated connector trails, the French Street Property became of interest to Cleveland Metroparks. The 0.6-acre French Street Property is centrally located within Cleveland Metroparks service area and contains a 16,310 square foot structure. The French Street Property was identified as an ideal facility to host the Rivergate Park Operations Center.

The French Street Property will be an important addition to Cleveland Metroparks as it will provide a centrally located operations center for the Lakefront and Ohio & Erie Canal Reservations and will expand upon Cleveland Metroparks ability to maintain and enhance high-quality greenspace and trail connections within the City of Cleveland.

ACTION ITEMS (cont.)

No. 21-01-011: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to authorize the acquisition of fee simple title of a ± 0.6 acre property as hereinabove described, from French Street Ltd., for a purchase price of \$1,000,000 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, 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 SOURCE:

No. 21-01-012: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to authorize the following awards:

- (a) **Commodities Usage Report:**
- **Ohio/GSA/NASPO Co-Op #6430** **Wireless Voice and Data Services**
(see page **92942**);
- (b) **Sourcewell Co-Op #6547:** **One (1) New Caterpillar 305E2 Mini Hydraulic Excavator** (see page **92944**); and,
- (c) **Ohio Co-Op #6548:** **Goodyear and Bridgestone Tires**
(see page **92945**).

Vote on the motion was as follows:

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

Nays: None.

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

COMMODITIES USAGE REPORT - *“In the event the original estimate exceeds 90% consumption, an action item will be presented to the Board.”*

OHIO/GSA/NASPO CO-OP #6430: **WIRELESS VOICE AND DATA SERVICES** for a two (2) year period beginning July 1, 2019 through June 30, 2021

ORIGINAL ESTIMATE \$312,000 (90% = \$280,800)

The estimated encumbrance was based upon a two (2) year spend of **Wireless Voice and Data Services** for Cleveland Metroparks.

Background (Current Cell Phone Data Service)

Since 2001, Verizon Select Services has been the primary provider of cellular services to Cleveland Metroparks. The Park District cellular device total is ±360 devices, of which there are 250 smart devices including phones, tablets, and laptops; non-smart devices, and various Internet of Things (IoT) devices. The Park District utilizes three difference contracts: 1. GSA Pricing; 2. State of Ohio DAS Office of Information Technology (OIT) pricing (OIT negotiates pricing with Verizon); and, 3. NASPO pricing. The selection of those particular plans depends on the particular usage of the device for lowest cost.

Plans range in price from \$4.99 to \$64.80 on the State of Ohio DAS (OIT) pricing and \$5.00 to \$60.00 for services on the GSA contract number GS-35F-0119P, and other specialty devices at varying prices depending on particular type and usage (*i.e.*, parking meters, cameras, and other miscellaneous devices). Many of the plans offer unlimited voice and data service. Verizon allows both staff and other Verizon customers to communicate with each other at no “minute” costs.

Most Cleveland Metroparks data phone plans are unlimited minute and data use. The standard cellular service user receives an average of 350 minutes per month, and additionally mobile-to-mobile (MTM) and night and weekend minutes at no cost. These devices allow users to use their cellular phones for e-mail and when necessary, internet access. Some of these devices, including the specialty devices include cellular service for parking/ticketing kiosks, water sensors, trail counters, and other potential internet (IoT) devices. In total, the Park District's current monthly bills run approximately ±\$13,000 per month for all cell phone, voice, and data services. Verizon offers new/replacement cellular phones at varying costs depending on specific model and overall date. These replacement costs can range from \$0 cost to \$99 and as high as \$599 for devices with more storage or memory. In lieu of a comprehensive upgrade, free individual upgrades are and will be issued upon request with supervisor approval.

ORIGINAL AWARD (5/16/19)	\$312,000
Additional Consumption Estimate	<u>20,000</u>
REVISED TOTAL AWARD:	\$332,000

AWARD OF BIDS/RFPS/CO-OPS/SINGLE SOURCE (cont.)**RECOMMENDED ACTION:**

That the Board authorize the Chief Executive Officer to amend Resolution No. 19-05-066 to accommodate usage in excess of the original estimate as follows:

No. 19-05-066: It was moved by Vice President Rinker, seconded by President Berry and carried, to authorize the award for wireless voice and data service to Verizon Select Services, Inc., at terms and rates as per Ohio/GSA Co-Op #6430 beginning July 1, 2019 and extending through June 30, 2021, estimated at ~~\$312,000~~ **\$332,000** over a two (2) year period, in full utilization of the State of Ohio DAS Office of Information Technology (OIT) Contract Number MSA0033 and GSA Contract Number GS-35F-0119P. In the event the log of consumption approaches 90 percent of the estimate, an action item will be presented to the Board requesting an increase.

Vote on the motion was as follows:

Ayes: Ms. Berry and Mr. Rinker.
Nays: None.

(See Approval of this Item by Resolution No. 21-01-012 on Page 92941)

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

**SOURCEWELL CO-OP #6547 SUMMARY: **ONE (1) NEW CATERPILLAR 305E2
MINI HYDRAULIC EXCAVATOR****

ITEM	One (1) New Caterpillar 305E2 Mini Excavator
DESIGNATION	Park Operations/Site Construction
Total Unit Cost	\$72,172
Description	Unit will be equipped with all standard equipment, specifications, and 24 months/2000-hour premier warranty as per Quote Number 210572-03; in full cooperation with Sourcewell Contract Number 032119-CAT.

RECOMMENDED ACTION:

That the Board approve the purchase of **One (1) New Caterpillar 305E2 Mini Excavator** as per Sourcewell Co-Op #6547, equipped as specified in the above summary, from **Ohio CAT for a total cost of \$72,172**, in full utilization of the Sourcewell Cooperative Purchasing Program, Contract Number 032119-CAT.

(See Approval of this Item by Resolution No. 21-01-012 on Page 92941)

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

OHIO CO-OP #6548 SUMMARY: **GOODYEAR AND BRIDGESTONE TIRES** for various equipment and vehicles to be supplied on an “as needed” basis from February 1, 2021 through March 31, 2022 to various locations throughout Cleveland Metroparks

<i>--- HIGHLIGHTS AT A GLANCE ---</i>
2020-2021 YTD Expenditures = \$46,272.65
2021-2022 Estimate = \$95,000.00

*NOTE: The 2020 expenditure is significantly less due to COVID-19 impact on operations.

Background

Cleveland Metroparks purchases Goodyear tires for various equipment and vehicles throughout the Park District. Staff recommends leveraging the State of Ohio Cooperative Agreement, Contract Number RS902819, for a fourteen (14) month period beginning February 1, 2021 through March 31, 2022 to fulfill these needs.

Anticipated vendors (include, but are not limited to):

- Goodyear Tires
- Sylvester Truck and Tire
- Other vendors would include only those that are a part of the State of Ohio Cooperative Agreement, Contract Number RS902819

RECOMMENDED ACTION:

That the Board authorize the purchase of Goodyear and Bridgestone Tires for various equipment and vehicles per Ohio Co-Op #6548 for a fourteen (14) month period beginning February 1, 2021 through March 31, 2022, from **various vendors** as indicated above, for a **total cost not to exceed \$95,000** in full utilization of the State of Ohio Cooperative Agreement, Contract Number RS902819 and Cleveland Metroparks purchasing policies. In the event the log of consumption approaches 90 percent of the estimate, an action item will be presented to the Board requesting an increase.

(See Approval of this Item by Resolution No. 21-01-012 on Page 92941)

GOODS AND SERVICES (\$10,000 - \$50,000) ACQUIRED
SINCE LAST BOARD MEETING (Presented 1/14/2021)

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 4 (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>
Demographic and Recreational Trends Analysis and Community Inventory.	Pros Consulting	\$24,000.00	(7)
Final design and construction document preparation for Lake Avenue Path in Rocky River Reservation.	Michael Baker International Inc.	\$49,800.00	(5)
2021 fuel infrastructure, maintenance, inspection, and installations for various locations.	Collins Equipment Corp.	\$50,000.00	(2)
2021 equipment rental and purchases.	Ohio Cat	\$50,000.00	(2)
2021 cost-per-copy program for Xerox Copiers (includes maintenance, toner, parts, and labor) for various locations.	ComDoc	\$50,000.00	(2)
2021 cost-per-copy program for HP Laser Jet Printers (includes maintenance, toner, parts, and labor) for various locations.	ComDoc	\$15,000.00	(2)
Forever Lawn turf installation for Lindsey Family Play Space at Edgewater Park, additional time and materials.	S-N-S Grounds	\$48,900.00 <u>980.00</u> \$49,880.00	(7)

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

<u>REF. NO. / ITEM – SERVICE</u>	<u>VENDOR</u>	<u>COST</u>	<u>PROCEDURE</u>
Various purchases of iPhones, iPads, etc. for 2021.	Verizon	\$25,000.00	(2)
Clothing for resale at Golf.	Antigua	\$14,517.25	(3)
Riding arena bathroom renovations at Rocky River Stables; Rocky River Reservation.	Engelke Construction Solutions, LLC	\$46,300.00	(5)
2020 Zoo Lab Fees, additional services.	Northwest Zoopath PC, Petlabs Diagnostic Laboratories, Inc., Marshfield Lab, Ohio Dept. of Agric., and Idexx Distribution Inc.	\$15,000.00 10,000.00 7,500.00 6,000.00 2,700.00 2,000.00 2,500.00 750.00 \$46,450.00	(3)
2021 Institutional Membership for Zoo animal collection database.	Species 360	\$22,227.32	(3)
Generators for 2020 Wild Winter Lights at Zoo, additional rental.	Ohio Cat Power Systems	\$7,200.00 3,300.00 750.00 1,830.00 \$13,080.00	(6)
2020-2022 Hepatitis B vaccines.	St. Vincent Charity Hospital	\$18,060.00	(7)
Legal advertisements with Cleveland Plain Dealer and Cleveland.com for a one (1) year period beginning February 1, 2021 through January 31, 2022.	Advance Ohio Media, LLC	\$25,000.00	(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>
2021 TV and Internet Services for various locations.	Time Warner	\$28,347.00	(3)

===== **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 (1/14/2021)**

Pursuant to Cleveland Metroparks By-Laws, Article 5 (Procurement), Section 4 (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 cost of the contract. 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.”

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, aggregate less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the cost of the agreement. 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 following is provided:

<u>Contract</u>	<u>Item/Service</u>	<u>Vendor</u>	<u>Change Order or Amendment</u>
<p><u>Construction Manager at Risk for Cleveland Metroparks Brighton Park Trail and Site Improvement Project</u></p> <p>Revised Contract Amount: Change Order No. 1 adds \$10,508.92 and a revised total to \$707,115.67.</p>	<p>Additional labor, material and equipment to install 75 lineal feet of wood fence along property line of Laboo Property on W. 21st.</p>	<p>F. Buddie Contracting, LTD.</p>	<p>#1</p>

AWARD OF BIDS/RFPs/CO-OPS/SINGLE SOURCE; CONSTRUCTION CHANGE ORDERS; STATUS RE: CAPITAL PROJECTS.

The following were presented to the Board for award/acknowledgment: bid/RFP/co-op/single source tabulations, as shown on pages 92941 through 92945; \$10,000 to \$50,000 purchased items/services report, pages 92946 through 92948; and construction change orders, page 92949.

APPROVAL OF VOUCHERS AND PAYROLL.

No. 21-01-001: It was moved by Vice President Rinker, seconded by Vice President Berry and carried, to approve payroll and vouchers, employee withholding taxes, and ADP payroll, as identified on pages 92980 to 93043.

Vote on the motion was as follows:

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

Nays: None.

PUBLIC COMMENTS.

Public comments were offered by Ms. Marty Leshner of Olmsted Township. 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) ***Johnson's Creek Restoration Project, Hinckley Reservation***
(Originating Sources: Sean E. McDermott, P.E., Chief Planning and Design Officer/
Chris Cheraso, Landscape Architect)

Cleveland Metroparks has received grant funding from the Ohio Environmental Protection Agency 319(h) program for restoration at Johnson's Creek in Hinckley Reservation. Johnson's Creek is in the headwaters of the East Branch Rocky River. Overall, this sub-watershed is the healthiest within the Rocky River Watershed. However, along this stretch of Johnson's Creek, excessive erosion along steep streambanks are polluting downstream water resources with increased sediment and nutrient loads. Bank erosion continues to be a maintenance concern and a threat to park infrastructure. Furthermore, an undersized box culvert at West Road acts as a barrier to fish and macroinvertebrate populations. The restoration will replace the culvert to enable fish and macroinvertebrate passage, stabilize streambanks, and improve water and habitat quality within this stretch of Johnson's Creek.

Cleveland Metroparks staff is acting as the criteria architect of the project. Conceptual designs recommend restoration methods using natural channel design and bioengineering to stabilize eroding streambanks, improve in-stream and floodplain riparian habitat, and reduce sediment and nutrient loads that are polluting high quality water resources.

A Request for Qualifications was issued to design-build firms to design and perform the work. Staff will provide a background of the project to the Board and then return to provide a recommendation of a design-builder and correlating guaranteed maximum price in the coming months.

- (b) ***Hilliard Road Bridge Replacement***
(Originating Source: Sean E. McDermott, P.E., Chief Planning & Design Officer)

Cuyahoga County has informed Cleveland Metroparks of forthcoming work to the Hilliard Road Bridge over the Rocky River Reservation and Rocky River Valley. Cleveland Metroparks staff has been engaged by the Cuyahoga County Department of Public Works in concert with the cities of Rocky River and Lakewood. The bridge, constructed in 1924-1925, has served the area for decades and the origination of the bridge has unique ties to Rocky River Reservation. Staff will provide an update to the Board on the county's project development process.

- (c) ***2020 Strategic Priorities Review***
(Originating Sources: Brian M. Zimmerman, Chief Executive Officer/Joseph V. Roszak, Chief Operating Officer/Kelly Manderfield, Chief Marketing Officer/William Chorba, Chief Financial Officer/Harold Harrison, Chief Human Resources Officer/Matthew Hawes, Director of Human Resources/Christopher W. Kuhar, Zoo Executive Director)

On March 16, 2020, Cleveland Metroparks was forced to deal with the unknown associated with the COVID-19 pandemic. Navigating the challenges caused by

INFORMATION/BRIEFING ITEMS/POLICY (cont.)

COVID-19 has taken a significant toll on the citizens of Northeast Ohio. However, during this historic period in time, Cleveland Metroparks has been able to successfully adjust and continue to fulfill the organization's mission and vision as well as advance its five (5) strategic priorities (Protection, Relevancy, Time to Explore, Connections and Organizational Sustainability) that serve as the basis for Cleveland Metroparks Emerald Necklace Centennial Plan. Every decision rendered during 2020 was rooted in conserving natural resources and enhancing people's lives by integrating high-quality outdoor education, recreation, and zoological opportunities into the lives of the citizens of Northeast Ohio.

(d) *Trails Division 2020 Accomplishments and Highlights*

(Originating Sources: Joseph V. Roszak, Chief Operating Officer/Jim Rodstrom, Director of Construction/Ralph Protano, Trails Development Manager)

With the construction season of 2020 concluding, Cleveland Metroparks Trails Division reflects on the accomplishments that were achieved despite the unprecedented year. The logistical and safety challenges brought by the COVID-19 pandemic did not prevent the division from producing some of their most sustainable and technically advanced projects to date. In addition, expansion of the trail volunteer and monitoring programs, and implementation of advanced technology for mapping and planning purposes has allowed the division to expand its impact and more effectively manage the natural surface trail network throughout the Park District. Providing guest-focused trail experiences while maintaining sustainability and natural resource protection continues to drive the direction of the division and trail development throughout Cleveland Metroparks.

DATE OF NEXT MEETING.

The next Regular Meeting of the Board of Park Commissioners was scheduled by the Board for Thursday, February 18, 2021, 8:00 a.m. Details regarding meeting logistics will be posted on the Cleveland Metroparks website.

ADJOURNMENT.

No. 21-01-013: There being no further matters to come before the Board, upon motion by Vice President Rinker, seconded by Vice President Berry, and carried, President Moore adjourned the meeting at 10:27 a.m.

Vote on the motion was as follows:

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

Nays: None.

President.

Attest:

Secretary.

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

PROBATE COURT
FILED
DEC 14 2020
CUYAHOGA COUNTY, O.

IN RE: : Doc. 137 Case No. 89032
Board of Park Commissioners :
of the Cleveland Metroparks District :
: **JUDGMENT ENTRY**

On this 14th day of December, 2020, the Court finds that, effective 1/1/21 a vacancy will exist on the Board of Park Commissioners of the Cleveland Metroparks District, and the Court further finds that **DEBRA K. BERRY**, 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 **DEBRA K. BERRY** as a Member of the Board of Park Commissioners of the Cleveland Metroparks District for the term beginning January 1, 2021 and ending December 31, 2023.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **DEBRA K. BERRY** 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, **DEBRA K. BERRY** shall, effective 1/1/21, 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.

12/14/20

DATE

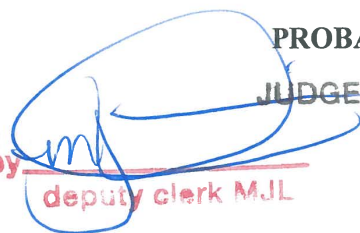
PROBATE JUDGE

JUDGE ANTHONY J. RUSSO



PDF

MSJE

by  deputy clerk M.J.L.

DEBRA K. BERRY, P.E.

2118 West 6th Street Cleveland, OH 44113 cell: (216) 337-4587
 dberry@universitycircle.org work: (216) 707-5006

EXPERIENCE**University Circle Incorporated, Cleveland, Ohio**

Vice President of Planning & Real Estate Development (August 2006 – present)

- Responsibilities include overseeing the Development cluster, which consists of professionals in real estate, planning, architecture, design, and property management. The development arm of UCI manages the physical development projects on all UCI owned lands, coordinates development and expansion opportunities being lead by UCI's 40+ member institutions, and oversees needed infrastructure and neighborhood improvements to insure that the Circle area continues to grow, prosper, and serve the needs of the community into the future.
- Responsible for directing the effort to transform UCI into an active development corporation that is driving a neighborhood renaissance in University Circle. Currently leading multi-million dollar investments at key locations throughout the district, which include UCI's fully funded, \$7.12 million "Bring Back Euclid Avenue" Campaign and eight strategic investment projects that will change the face of University Circle with a hotel, new housing, businesses, and wayfinding and streetscape amenities.
- Responsible for preparing federal and state funding applications that have resulted in a \$20 million New Market Tax Credit allocation, \$3 million in ODOT infrastructure safety funds, a state capital grant, and funding for several transportation planning studies focused on multi-modal connections between the Circle and its neighbors.

City of Cleveland Planning Department, Cleveland, Ohio

Lakefront Plan Manager (July 2003 – July 2006)

- Responsible for managing the process to develop the City of Cleveland's Waterfront District Plan, a comprehensive redevelopment plan for more than 8-miles of Cleveland's shoreline, including the \$50 million reconfiguration of the West Shoreway, which will allow better access and development opportunities along the city's waterfront. Duties included supervising and coordinating work efforts from City staff and three separate subconsultant teams focusing on roadway design, land use planning, and economic analyses. Also responsible for managing the plan's public involvement efforts, which included over 300 public meetings, and interagency coordination between the Ohio Department of Transportation, Army Corps of Engineers, and eight Community Development Corporations, along with a 50+ member Advisory Committee.
- Successfully lobbied for over \$70 million in state and federal funds to be earmarked towards lakefront related planning and infrastructure projects.
- Served as the City's lead in coordinating the Innerbelt planning process with the Ohio Department of Transportation and the neighborhood stakeholders.

Parsons Brinckerhoff Ohio, Inc., Cleveland, Ohio

Lead Traffic Engineer/Traffic Department Head (June 1997 – July 2003)

- Interim Office Manager in charge of daily office operations, all personnel, project and subconsultant invoicing, and developing a marketing plan and annual office budget.
- Project Manager for the Flats Transportation Study, which evaluated various alternatives to route trucks from the Flats Industrial area directly to the Interstates. Duties included developing environmental documentation, supervising engineering design, and coordinating stakeholder and public involvement program.
- Project Manager for a study that evaluated the impacts of converting two vehicular lanes on the Veterans Memorial Bridge into combined pedestrian/bike lanes. Involvement included performing the engineering studies, overseeing field inspections, and interface with FHWA, ODOT, Cuyahoga County Engineers Office, and the City of Cleveland to ensure proper compliance with strict federal guidelines.

DEBRA K. BERRY, P.E.

2118 West 6th Street Cleveland, OH 44113 cell: (216) 337-4587
 dberry@universitycircle.org work: (216) 707-5006

EXPERIENCE
(cont)**Traff-Pro Consultants, Inc., Strongsville, Ohio***Traffic Engineer* (June 1996 – June 1997)

Oversaw and directed the performance of multiple traffic engineering studies, engineering plan designs, and field inspections including:

- Coordination of the citywide traffic signal upgrade projects for the Cities of Berea and Brook Park including signal plan design and all related studies.

The University of Texas at Austin, Center for Transportation Research, Texas*Graduate Research Assistant* (August 1994 – June 1996)

- Collaborated in the development, research, and writing of the City of Austin's Intelligent Transportation Systems (ITS) Area-Wide Plan.

HNTB Corporation, Cleveland, Ohio*Transportation Engineer* (January 1992 – July 1994)

- Assumed progressive responsibilities for civil engineering projects including preparing numerous traffic signalization, maintenance of traffic, and detour plans.

Transportation Engineering Intern (semester breaks 1988 – 1991)**EDUCATION****Master of Science in Engineering, June 1996**

The University of Texas at Austin, Austin, TX

Thesis: *"An Evaluation of the Effectiveness of ITS Strategies Using Computer Simulation"***Bachelor of Science in Civil Engineering, December 1991**

Purdue University, West Lafayette, IN

ACHIEVEMENTS**Registered Professional Engineer, Ohio, July 1997****Leadership Cleveland, 2008 class****Crain's Cleveland Business** – "Forty under 40" honoree, 2008**APPOINTMENTS**

Cleveland Hearing & Speech Center Board of Directors

ParkWorks Board

Build Up Greater Cleveland (BUGC) Board

Heritage Ohio Advisory Board

Cleveland Leadership Center Board & Alumni Association Committee Chair

Cleveland State University, College of Urban Affairs Mentoring Program

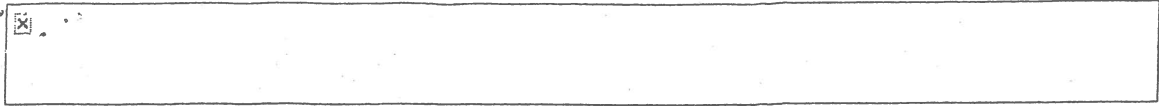
AFFILIATIONS

American Planning Association (APA)

Commercial Real Estate Women (CREW)

Women in Transportation Seminar (WTS), Director

Purdue Alumni Association (PAA)



2009 BUGC Board of Trustees

1st Vice Chair

Debbie Berry

Vice President, Planning and Development

University Circle Incorporated



Debbie Berry currently serves as Vice President of Planning and Real Estate Development for University Circle Inc. (UCI). Her responsibilities include managing physical development projects on all UCI owned lands, coordinating development and expansion opportunities being lead by UCI's 40+ member institutions, and overseeing needed infrastructure and neighborhood improvements to insure that the Circle neighborhood becomes a premier urban district.

In her short time at UCI, Debbie has directed the effort to transform UCI into an active development corporation that is driving a neighborhood renaissance in University Circle. In her role, she is leading multi-million dollar investments at key locations throughout the district, which include UCI's *Bring Back Euclid Avenue Campaign* and four strategic investments projects that will change the face of University Circle with new housing, a new Main Street Euclid Avenue, new businesses, and new wayfinding and streetscape amenities.

Prior to joining UCI, Debbie served as the Lakefront Plan Manager for the city of Cleveland and managed the historic Waterfront District Plan, a comprehensive redevelopment plan for more than eight-miles of Cleveland's shoreline, including the \$50 million reconfiguration of the West Shoreway (State Route 2), which will allow better access and development opportunities along the city's waterfront. In her position at City Planning, Debbie also served as the lead in coordinating the Innerbelt planning process with the Ohio Department of Transportation and multiple neighborhood stakeholder groups.

Debbie holds a Bachelors Degree in Civil Engineering from Purdue University and a Masters Degree in Transportation Engineering from the University of Texas at Austin. She is a Registered Professional Engineer in the State of Ohio. She serves as a Board member for the non-profit organizations of ParkWorks, the Cleveland Hearing and Speech Center, and as interim chairperson of the northeast Ohio infrastructure organization Build Up Greater Cleveland (BUGC). In 2007, Debbie was named as one of Crain's Cleveland Business top "Forty under 40" and she is a graduate of the 2008 class of Leadership Cleveland. She is also an active member of the Institute of Transportation Engineers, American Planning Association, and Commercial Real Estate Women Inc. In her spare time, Debbie and her husband Patrick enjoy travel and golfing.

Greater Cleveland Partnership
 The Higbee Building
 100 Public Square, Suite 210 Cleveland, Ohio 44113-2227
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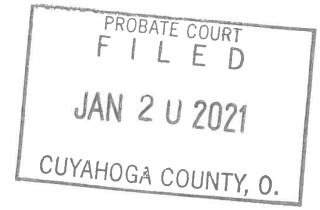
The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records in this office, where the same are required to be 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 14 day of Dec., 2020.

[Signature]
PRESIDING JUDGE

[Signature]
Deputy Clerk

4 pgs.



January 14, 2021

**BOARD OF PARK COMMISSIONERS
OATH IN OFFICE**

January 14, 2021

I, Debra K. Berry, 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.

Debra K. Berry

 DEBRA K. BERRY

 Date *January 14, 2021*

1998MSC89032



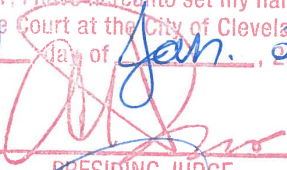
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The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records 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 21 day of Jan., 21.



PRESIDING JUDGE



Deputy Clerk

1Pg.



Western Surety Company

CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 61230155 briefly described as MEMBER OF THE BOARD OF PARK COMMISSIONERS CLEVELAND METROPARK DISTRICT for DEBRA K. BERRY, as Principal, in the sum of \$ FIVE THOUSAND AND NO/100 Dollars, for the term beginning January 01, 2021, and ending January 01, 2024, subject to all the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 16th day of December, 2020.

WESTERN SURETY COMPANY

By Paul T. Brunat
Paul T. Brunat, Vice President



THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One MEMBER OF THE BOARD OF PARK COMMISSIONERS CLEVELAND METROPARK DISTRICT

bond with bond number 61230155

for DEBRA K. BERRY

as Principal in the penalty amount not to exceed: \$5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President Paul T. Bruflat with the corporate seal affixed this 16th day of December, 2020.

ATTEST

L. Nelson
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 16th day of December, 2020, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.

J. MOHR
NOTARY PUBLIC
SOUTH DAKOTA

J. Mohr
Notary Public

My Commission Expires June 23, 2021

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



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. 20-01- - January 14, 2021

**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 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 General Counsel, and other counsel deemed necessary, 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 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, ~~unless~~ except the section of the meeting held in an Executive Session ~~is held~~ 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 Web site and in the Administrative Offices at least 72 hours in advance of such meeting. The time, place and purpose of a special meeting shall be posted on the Board's Web site and in the Administrative Offices at least twenty-four 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 hours before the time of such meetings or given by telephone, e-mail or personally served on each member at least three hours before the time of such meeting. If any member of the Board is unavailable for a period of at least twenty-four 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 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.
 - ii. Approval of action items.
 - iii. 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 at least annually. 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 salaries of the CEO and CFO. 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, 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 \$1,000 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 below \$1,000, 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 2(c)(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 \$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 cost of the contract. 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.
- 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, aggregate less than THE LESSER OF: (i) \$50,000, or (ii) ten percent (10%) of the cost of the agreement. 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.
- 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 bidding or proposal process 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, 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 14th day of January 2021.

Board of Park Commissioners
Cleveland Metropolitan Park District

Attest:

President Daniel T. Moore

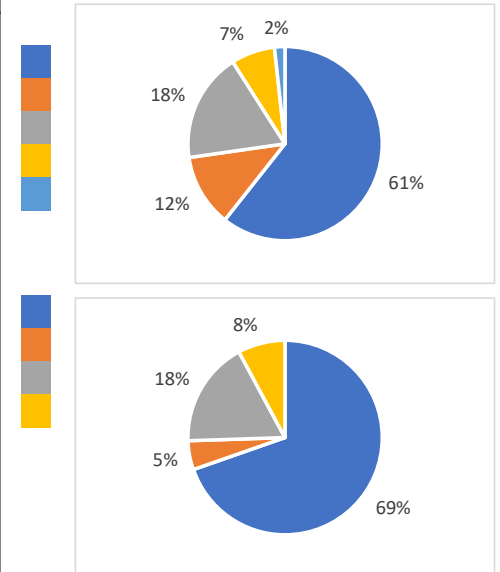
Brian M. Zimmerman, Chief Executive Officer

Vice President Debra K. Berry

Vice President Bruce G. Rinker

**Cleveland Metroparks
Financial Performance
12/31/2020
CM Park District**

	Actual Dec '19	Actual Dec '20	Fav (Unfav)	Actual YTD Dec '19	Actual YTD Dec '20	Fav (Unfav)
Revenue:						
Property Tax	370,049	10,570	(359,479)	76,734,514	76,947,990	213,476
Local Gov/Grants/Gifts	4,897,547	1,093,696	(3,803,851)	13,878,959	15,279,245	1,400,286
Charges for Services	1,665,913	1,682,132	16,219	31,676,450	23,128,709	(8,547,741)
Self-Funded	777,913	765,718	(12,195)	9,347,227	9,235,908	(111,319)
Interest, Fines, Other	<u>58,539</u>	<u>1,281,346</u>	<u>1,222,807</u>	<u>1,198,931</u>	<u>2,238,517</u>	<u>1,039,586</u>
Total Revenue	7,769,961	4,833,462	(2,936,499)	132,836,081	126,830,369	(6,005,712)
OpEx:						
Salaries and Benefits	5,106,607	4,895,480	211,127	68,771,073	60,199,961	8,571,112
Contractual Services	178,663	407,119	(228,456)	4,361,907	4,165,054	196,853
Operations	1,463,698	1,110,201	353,497	22,431,193	15,271,461	7,159,732
Self-Funded Exp	<u>541,369</u>	<u>638,665</u>	<u>(97,296)</u>	<u>6,453,132</u>	<u>6,793,206</u>	<u>(340,074)</u>
Total OpEx	7,290,337	7,051,465	238,872	102,017,305	86,429,682	15,587,623
Op Surplus/(Subsidy)	479,624	(2,218,003)	(2,697,627)	30,818,776	40,400,687	9,581,911
CapEx:						
Capital Labor	60,218	86,180	(25,962)	881,413	953,773	(72,360)
Construction Expenses	946,715	1,830,996	(884,281)	9,648,254	21,397,246	(11,748,992)
Capital Equipment	76,095	42,225	33,870	2,978,320	2,085,433	892,887
Land Acquisition	5,029,640	118,242	4,911,398	10,045,036	3,572,975	6,472,061
Capital Animal Costs	<u>799</u>	<u>5,783</u>	<u>(4,984)</u>	<u>41,264</u>	<u>16,797</u>	<u>24,467</u>
Total CapEx	6,113,467	2,083,426	4,030,041	23,594,287	28,026,224	(4,431,937)
Net Surplus/(Subsidy)	(5,633,843)	(4,301,429)	1,332,414	7,224,489	12,374,463	5,149,974

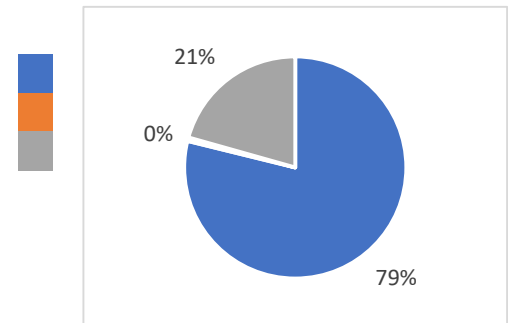
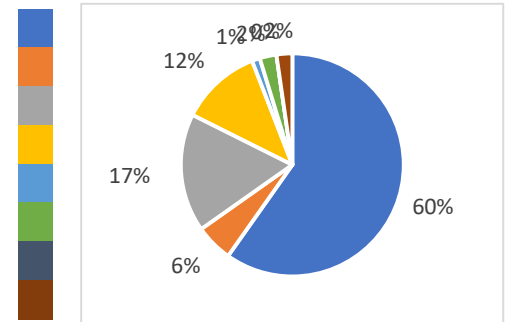


Financial Performance

12/31/2020

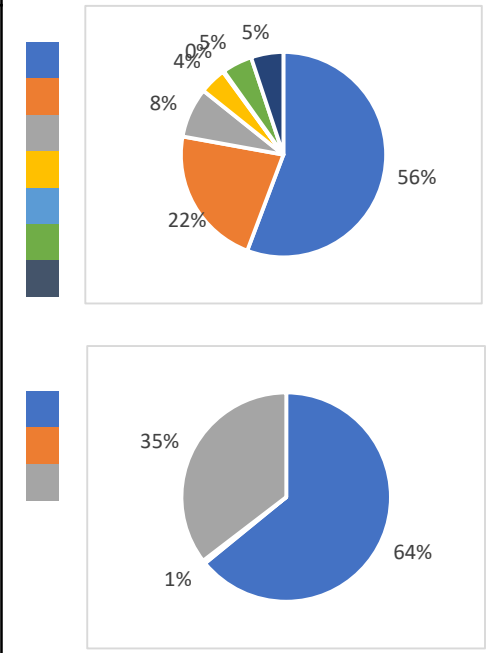
Zoo

	Actual Dec '19	Actual Dec '20	Fav (Unfav)	Actual YTD Dec '19	Actual YTD Dec '20	Fav (Unfav)
Revenue:						
General/SE Admissions	1,000,700	776,111	(224,589)	7,021,159	5,336,760	(1,684,399)
Guest Experience	12,884	17,247	4,363	965,413	489,887	(475,526)
Zoo Society	0	197,705	197,705	2,756,958	1,531,005	(1,225,953)
Souvenirs/Refreshments	57,601	57,837	236	1,819,623	1,048,464	(771,159)
Education	12,493	4,930	(7,563)	476,889	99,680	(377,209)
Rentals & Events	12,600	12,944	344	406,303	220,667	(185,636)
Consignment	263	0	(263)	82,233	0	(82,233)
Other	<u>4,671</u>	<u>2,270</u>	<u>(2,401)</u>	<u>18,850</u>	<u>202,343</u>	<u>183,493</u>
Total Revenue	1,101,212	1,069,044	(32,168)	13,547,428	8,928,806	(4,618,622)
OpEx:						
Salaries and Benefits	1,214,777	1,078,523	136,254	15,608,000	13,467,966	2,140,034
Contractual Services	11,599	752	10,847	191,200	92,598	98,602
Operations	<u>418,434</u>	<u>262,644</u>	<u>155,790</u>	<u>5,438,234</u>	<u>3,524,096</u>	<u>1,914,138</u>
Total OpEx	1,644,810	1,341,919	302,891	21,237,434	17,084,660	4,152,774
Op Surplus/(Subsidy)	(543,598)	(272,875)	270,723	(7,690,006)	(8,155,854)	(465,848)
CapEx:						
Capital Labor	0	0	0	41,372	0	41,372
Construction Expenses	151,085	121,802	29,283	2,671,481	3,950,963	(1,279,482)
Capital Equipment	41,462	1,847	39,615	241,350	118,212	123,138
Capital Animal Costs	<u>799</u>	<u>5,783</u>	<u>(4,984)</u>	<u>41,264</u>	<u>16,797</u>	<u>24,467</u>
Total CapEx	193,346	129,432	63,914	2,995,467	4,085,972	(1,090,505)
Net Surplus/(Subsidy)	(736,944)	(402,307)	334,637	(10,685,473)	(12,241,826)	(1,556,353)
Restricted Revenue	49,890	335,447	285,557	1,822,463	3,222,824	1,400,361
Restricted Expenses	<u>741,123</u>	<u>419,847</u>	<u>321,276</u>	<u>1,768,635</u>	<u>3,366,735</u>	<u>(1,598,100)</u>
Restricted Surplus/(Subsidy)	(691,233)	(84,400)	606,833	53,828	(143,911)	(197,739)



**Cleveland Metroparks
Financial Performance
12/31/2020
Golf Summary**

	Actual Dec '19	Actual Dec '20	Fav (Unfav)	Actual YTD Dec '19	Actual YTD Dec '20	Fav (Unfav)
Revenue:						
Greens Fees	27,087	20,923	(6,164)	3,472,736	4,750,976	1,278,240
Equipment Rentals	10,156	5,791	(4,365)	1,467,177	1,882,880	415,703
Food Service	21,305	878	(20,427)	890,007	670,839	(219,168)
Merchandise Sales	4,223	5,983	1,760	384,428	360,098	(24,330)
Pro Services	100	1,895	1,795	150,302	17,472	(132,830)
Driving Range	3,900	4,300	400	346,134	405,070	58,936
Other	<u>50,967</u>	<u>65,854</u>	<u>14,887</u>	<u>427,865</u>	<u>434,979</u>	<u>7,114</u>
Total Revenue	117,738	105,624	(12,114)	7,138,649	8,522,314	1,383,665
OpEx:						
Salaries and Benefits	254,053	302,661	(48,608)	4,192,879	4,000,094	192,785
Contractual Services	1,665	727	938	37,317	31,301	6,016
Operations	<u>184,032</u>	<u>155,239</u>	<u>28,793</u>	<u>2,260,570</u>	<u>2,210,356</u>	<u>50,214</u>
Total OpEx	439,750	458,627	(18,877)	6,490,766	6,241,751	249,015
Op Surplus/(Subsidy)	(322,012)	(353,003)	(30,991)	647,883	2,280,563	1,632,680
CapEx:						
Capital Labor	12,362	0	12,362	189,721	93,161	96,560
Construction Expenses	0	0	0	321,099	99,936	221,163
Capital Equipment	<u>6,219</u>	<u>6,422</u>	<u>(203)</u>	<u>875,643</u>	<u>154,867</u>	<u>720,776</u>
Total CapEx	18,581	6,422	12,159	1,386,463	347,964	1,038,499
Net Surplus/(Subsidy)	(340,593)	(359,425)	(18,832)	(738,580)	1,932,599	2,671,179



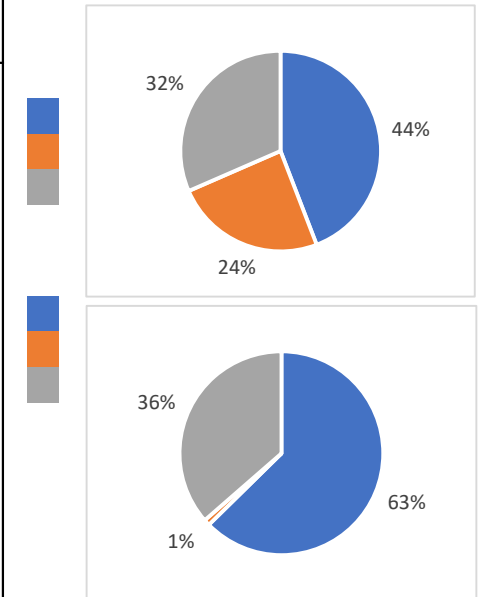
**Cleveland Metroparks
Financial Performance
12/31/2020
Golf Detail**

	Big Met (18)		Little Met (9)		Mastick Woods (9)		Manakiki (18)		Sleepy Hollow (18)	
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20
Operating Revenue	1,270,120	1,370,042	320,314	441,912	241,641	307,682	1,146,334	1,364,010	1,492,275	1,601,901
Operating Expenses	953,792	1,053,232	254,328	223,560	272,078	203,241	905,945	939,017	1,366,170	1,309,255
Operating Surplus/(Subsidy)	316,328	316,810	65,986	218,352	(30,437)	104,441	240,389	424,993	126,105	292,646
Capital Labor	0	0	0	0	0	0	0	0	34,303	0
Construction Expenses	11,160	13,531	0	0	0	0	0	0	287,397	0
Capital Equipment	480,815	13,584	0	0	0	0	339,893	16,795	20,984	13,606
Total Capital Expenditures	491,975	27,115	0	0	0	0	339,893	16,795	342,684	13,606
Net Surplus/(Subsidy)	(175,647)	289,695	65,986	218,352	(30,437)	104,441	(99,504)	408,198	(216,579)	279,040

	Shawnee Hills (27)		Washington Park (9)		Seneca (27)		Golf Admin		Total	
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20
Operating Revenue	1,015,730	1,255,219	426,019	488,399	1,176,235	1,630,920	49,981	62,229	7,138,649	8,522,314
Operating Expenses	868,608	812,356	458,910	362,848	991,833	935,488	419,102	402,753	6,490,765	6,241,751
Operating Surplus/(Subsidy)	147,122	442,863	(32,891)	125,551	184,402	695,432	(369,121)	(340,524)	647,884	2,280,563
Capital Labor	0	0	0	0	155,418	93,161	0	0	189,721	93,161
Construction Expenses	0	0	0	83,420	22,543	2,985	0	0	321,100	99,936
Capital Equipment	9,576	57,924	0	0	24,375	48,800	0	4,158	875,643	154,867
Total Capital Expenditures	9,576	57,924	0	83,420	202,336	144,946	0	4,158	1,386,464	347,964
Net Surplus/(Subsidy)	137,546	384,939	(32,891)	42,131	(17,934)	550,486	(369,121)	(344,682)	(738,580)	1,932,599

**Cleveland Metroparks
Financial Performance
12/31/2020
Enterprise Summary**

	Actual Dec '19	Actual Dec '20	Fav (Unfav)	Actual YTD Dec '19	Actual YTD Dec '20	Fav (Unfav)
Revenue:						
Concessions	98,770	167,494	68,724	4,509,234	1,323,086	(3,186,148)
Dock Rentals	41,195	32,466	(8,729)	803,475	728,090	(75,385)
Other	<u>131,932</u>	<u>150,028</u>	<u>18,096</u>	<u>1,558,227</u>	<u>943,898</u>	<u>(614,329)</u>
Total Revenue	271,897	349,988	78,091	6,870,936	2,995,074	(3,875,862)
OpEx:						
Salaries and Benefits	184,431	189,752	(5,321)	3,591,613	2,285,659	1,305,954
Contractual Services	832	6,450	(5,618)	56,868	35,671	21,197
Operations	<u>52,706</u>	<u>65,066</u>	<u>(12,360)</u>	<u>2,984,566</u>	<u>1,328,143</u>	<u>1,656,423</u>
Total OpEx	237,969	261,268	(23,299)	6,633,047	3,649,473	2,983,574
Op Surplus/(Subsidy)	33,928	88,720	54,792	237,889	(654,399)	(892,288)
CapEx:						
Capital Labor	0	4,873	(4,873)	9,691	19,558	(9,867)
Construction Expenses	15,550	946	14,604	180,545	117,283	63,262
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,677</u>	<u>10,042</u>	<u>(365)</u>
Total CapEx	15,550	5,819	9,731	199,913	146,883	53,030
Net Surplus/(Subsidy)	18,378	82,901	64,523	37,976	(801,282)	(839,258)



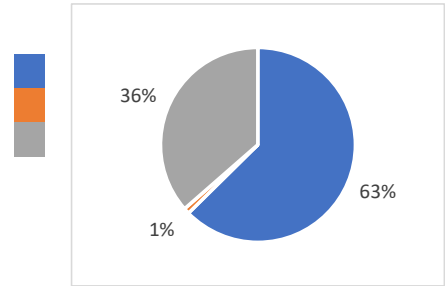
*Other includes Chalet, Hayrides, Aquatics and Misc.

Cleveland Metroparks
 Financial Performance
 12/31/2020
 Enterprise Detail

	Merwin's Wharf		EW Beach House		E55th Marina		E55th Restaurant			
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20		
Operating Revenue	2,340,901	637,941	834,177	224,015	938,628	813,323	742,050	317,381		
Operating Expenses	<u>2,207,013</u>	<u>987,611</u>	<u>646,502</u>	<u>215,737</u>	<u>412,271</u>	<u>285,774</u>	<u>677,786</u>	<u>362,435</u>		
Operating Surplus/(Subsidy)	133,888	(349,670)	187,675	8,278	526,357	527,549	64,264	(45,054)		
Capital Labor	9,691	19,558	0	0	0	0	0	0		
Construction Expenses	21,653	49,439	0	0	54,330	40,008	0	0		
Capital Equipment	<u>0</u>	<u>10,042</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
Total Capital Expenditures	31,344	79,039	0	0	54,330	40,008	0	0		
Net Surplus/(Subsidy)	102,544	(428,709)	187,675	8,278	472,027	487,541	64,264	(45,054)		
	Wildwood		Euclid Beach		EmerNeck Marina		EmerNeck Restaurant			
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20		
Operating Revenue	67,037	39,433	22,030	0	383,114	379,122	418,954	50,571		
Operating Expenses	<u>129,284</u>	<u>47,817</u>	<u>29,778</u>	<u>2,418</u>	<u>289,762</u>	<u>250,057</u>	<u>439,506</u>	<u>125,307</u>		
Operating Surplus/(Subsidy)	(62,247)	(8,384)	(7,748)	(2,418)	93,352	129,065	(20,552)	(74,736)		
Capital Labor	0	0	0	0	0	0	0	0		
Construction Expenses	49,950	2,787	0	0	24,999	0	7,232	49		
Capital Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,375</u>	<u>0</u>		
Total Capital Expenditures	49,950	2,787	0	0	24,999	0	8,607	49		
Net Surplus/(Subsidy)	(112,197)	(11,171)	(7,748)	(2,418)	68,353	129,065	(29,159)	(74,785)		
	Edgewater Pier		Wallace Lake		Hinckley Lake		Huntington			
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20		
Operating Revenue	90,603	40,907	65,502	31,640	34,438	0	148,864	85,629		
Operating Expenses	<u>94,632</u>	<u>42,664</u>	<u>59,388</u>	<u>30,713</u>	<u>37,625</u>	<u>1,442</u>	<u>143,726</u>	<u>67,529</u>		
Operating Surplus/(Subsidy)	(4,029)	(1,757)	6,114	927	(3,187)	(1,442)	5,138	18,100		
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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,415</u>	<u>0</u>		
Total Capital Expenditures	0	0	0	0	0	0	1,415	0		
Net Surplus/(Subsidy)	(4,029)	(1,757)	6,114	927	(3,187)	(1,442)	3,723	18,100		
	Chalet		Ledge Lake		Parking		Enterprise Admin		Total	
	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20	YTD Dec '19	YTD Dec '20
Operating Revenue	426,371	291,761	191,201	625	167,066	82,726	0	0	6,870,936	2,995,074
Operating Expenses	<u>294,788</u>	<u>230,843</u>	<u>133,708</u>	<u>6,036</u>	<u>29,936</u>	<u>15,331</u>	<u>1,007,342</u>	<u>977,759</u>	<u>6,633,047</u>	<u>3,649,473</u>
Operating Surplus/(Subsidy)	131,583	60,918	57,493	(5,411)	137,130	67,395	(1,007,342)	(977,759)	237,889	(654,399)
Capital Labor	0	0	0	0	0	0	0	0	9,691	19,558
Construction Expenses	7,373	0	15,008	0	0	0	0	25,000	180,545	117,283
Capital Equipment	<u>4,276</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,611</u>	<u>0</u>	<u>9,677</u>	<u>10,042</u>
Total Capital Expenditures	11,649	0	15,008	0	0	0	2,611	25,000	199,913	146,883
Net Surplus/(Subsidy)	119,934	60,918	42,485	(5,411)	137,130	67,395	(1,009,953)	(1,002,759)	37,976	(801,282)

**Cleveland Metroparks
Financial Performance
12/31/2020
Nature Shops and Kiosks**

	Actual Dec '19	Actual Dec '20	Fav (Unfav)	Actual YTD Dec '19	Actual YTD Dec '20	Fav (Unfav)
Retail Revenue	49,826	35,739	(14,087)	637,794	384,598	(253,196)
OpEx:						
Salaries and Benefits	17,946	12,036	5,910	301,795	181,245	120,550
Contractual Services	0	0	0	6,853	5,076	1,777
Operations	<u>9,391</u>	<u>7,922</u>	<u>1,469</u>	<u>270,259</u>	<u>147,139</u>	<u>123,120</u>
Total OpEx	27,337	19,958	7,379	578,907	333,460	245,447
Op Surplus/(Subsidy)	22,489	15,781	(6,708)	58,887	51,138	(7,749)
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>0</u>	<u>0</u>
Total CapEx	0	0	0	0	0	0
Net Surplus/(Subsidy)	22,489	15,781	(6,708)	58,887	51,138	(7,749)



**CLEVELAND METROPARKS
ACCOUNTS RECEIVABLE AND INVESTMENTS SCHEDULES
FOR THE MONTH ENDED DECEMBER 31, 2020**

ACCOUNTS RECEIVABLE

RANGER/COURT FINES RECEIVABLE

Current	Past Due			Total
	30 Days	60 Days	90+ Days	
\$156,112	\$188,585	\$249,810	\$81,548	\$676,056

Total
\$53,174

INVESTMENTS

Date Placed	Bank	Description	Days of Duration	Rate	Date of Maturity	Interest Earned	EOM Balance
12/01/20	PNC Bank	Money Market (A)	30	0.02%	12/31/20	\$1	\$58,538
12/01/20	Fifth Third Securities	Money Market (B)	30	0.01%	12/31/20	\$0	\$3,294
12/01/20	STAR Ohio	State pool (C)	30	0.17%	12/31/20	\$4,204	\$30,348,308
12/01/20	STAR Plus	State pool (D)	30	0.15%	12/31/20	\$86	\$694,939

- (A) Government Performance Money Market Account.
Investment balance ranged from \$58,537 to \$58,538 in December.
- (B) Federated Government Money Market Account.
Investment balance ranged from \$3,294 to \$3,294 in December.
- (C) State Treasurer's Asset Reserve (STAR Ohio).
Investment balance ranged from \$40,344,105 to \$30,348,308 in December.
- (D) State Treasurer's Asset Reserve Plus Account (STAR Plus)
Investment balance ranged from \$694,854 to \$694,939 in December.

CLEVELAND METROPARKS
Appropriation Summary - 2021

Object Code	Object Description	Original Budget			Total Prior Budget Amendments	Proposed Amendment #1 1/14/2021	Total
		Baseline Budget	Carry Over Encumbrances	Total			
OPERATING							
51	Salaries	\$ 52,763,744	\$ -	\$ 52,763,744	\$ -	\$ -	\$ 52,763,744
52	Employee Fringe Benefits	18,361,317	254,848	18,616,165	-	-	18,616,165
53	Contractual Services	14,829,987	3,822,946	18,652,933	-	-	18,652,933
54	Office Operations	23,476,866	4,053,289	27,530,155	-	-	27,530,155
	Operating Subtotal	109,431,914	8,131,083	117,562,997	-	-	117,562,997
CAPITAL							
571	Capital Labor	835,000	-	835,000	-	-	835,000
572	Capital Construction Expenses	20,180,409	10,086,250	30,266,659	-	744,889 A	31,011,548
574	Capital Equipment	2,749,394	680,393	3,429,787	-	-	3,429,787
575	Zoo Animals	45,000	5,973	50,973	-	-	50,973
576	Land	1,855,900	33,555	1,889,455	-	-	1,889,455
	Capital Subtotal	25,665,703	10,806,171	36,471,874	-	744,889	37,216,763
TOTALS							
Grand totals		\$ 135,097,617	\$ 18,937,254	\$ 154,034,871	\$ -	\$ 744,889	\$ 154,779,760

CLEVELAND METROPARKS

Appropriations 2021 - Legend - Amendment #1

CAPITAL

572 CAPITAL CONSTRUCTION EXPENSES

- \$ 294,380 Increase in restricted fund appropriations for Capital Project Expenses for Irishtown Bend demolition
Appropriation increase will be covered by new restricted funds

- \$ 440,000 Increase in restricted fund appropriations for Capital Project Expenses for Soaring Eagle zipline at the Zoo
Appropriation increase will be covered by new restricted funds from CZS

- \$ 10,509 Increase in restricted fund appropriations for Capital Project Expenses for Brighton Park
Appropriation increase will be covered by new restricted funds

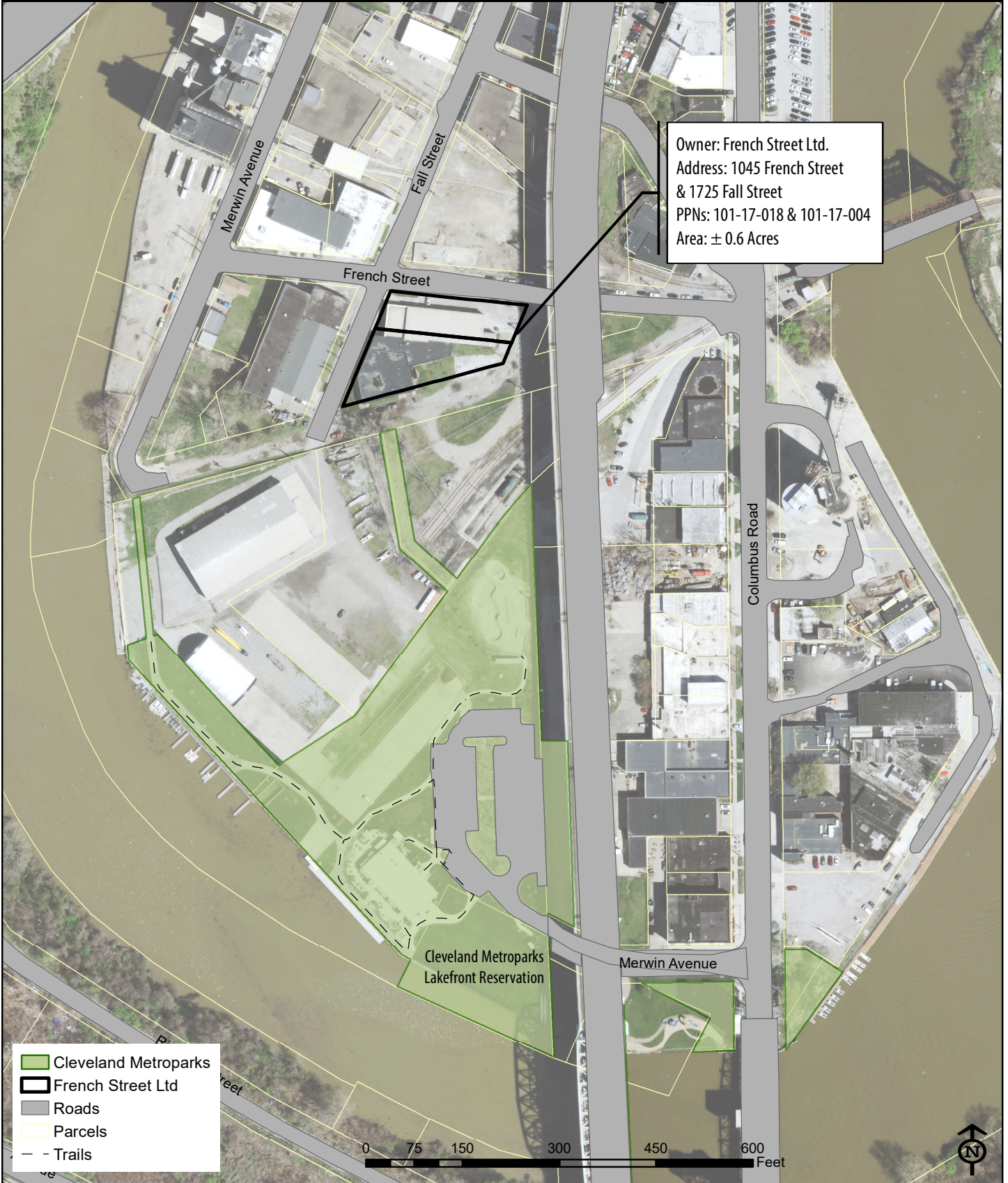
A \$ 744,889 Total increase (decrease) to Capital Construction Expenses

\$ 744,889 TOTAL INCREASE (DECREASE) TO CAPITAL

\$ 744,889 GRAND TOTAL - INCREASE (DECREASE) FOR AMENDMENT

Lakefront Reservation

French Street Ltd. Property - Cleveland



RESOLUTION NO. 21-01-001

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.

Wire Transfer dated December 11, 2020 in the amount of \$73,087.15

Printed Checks dated December 11, 2020 in the amount of \$2,527,689.09

Printed Checks dated December 18, 2020 in the amount of \$489,029.21

Wire Transfer dated December 22, 2020 in the amount of \$88,060.64

Printed Checks dated December 22, 2020 in the amount of \$536,909.29

Net Payroll dated November 22, 2020 to December 5, 2020 in the amount of \$1,348,183.67

Withholding Taxes in the amount of \$353,483.47

Net Payroll dated December 6, 2020 to December 19, 2020 in the amount of \$1,185,892.41

Withholding Taxes in the amount of \$278,890.98

Bank Fees/ADP Fees in the amount of \$34,599.40

Cigna Payments in the amount of \$486,686.62

ACH Debits (First Energy; Sales Tax) in the amount of \$49,855.71

PNC Visa/Visa Travel Purchasing Card dated November 29, 2020 to December 18, 2020 in the amount of \$46,262.64

JP Morgan Mastercard/Mastercard Travel Card dated November 25, 2020 to January 2, 2021 in the amount of \$127,637.92

Total amount: \$7,626,268.20

PASSED: January 14, 2021

Attest: _____

President of The Board of Park Commissioners

Chief Executive Officer

RECOMMENDED ACTION:

That the Board of Park Commissioners approves **Resolution No. 21-01-001** listed above.