

## RESOLUTION NO. 067-2023

Resolution to Dissolve Joint Olmsted Recreation District (JORD)

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township that

**Whereas** on December 18, 2019 the Olmsted Township Board of Trustees approved Resolution 187-2019 pursuant to Ohio Revised Code 755.14 stating the intent to form the Joint Olmsted Recreation District (JORD); Olmsted Falls City Council approved similar legislation on December 12, 2019 in Resolution 91-2019 to form the Joint Olmsted Recreation District (JORD) Resolutions attached), and

**Whereas** both resolutions state the JORD may be an effective means of providing recreation services that enhance the quality of life for residents of both Olmsted Township and Olmsted Falls, and

**Whereas** Olmsted Township Comprehensive Plan 2019, a vision and blueprint for the Township was developed with resident input; results of committee and public meetings as well as online surveys placed recreation, development of outdoor spaces, trails, parks, bike-ways, and sidewalks as the #2 priority behind economic development, and

**Whereas** the JORD would possess the ability to offer recreation to Olmsted Township and Olmsted Falls residents at their level of interest of participation; the JORD would have the ability to place a bond issue or levy on the ballot for residents/voters' approval in support of services and facilities, and

**Whereas** since the approval by Olmsted Township and the City of Olmsted Falls to form the JORD there have been several drafts presented to refine the governing bylaws of this entity; on July 23, 2022, Olmsted Township approved an amended Draft #9 for final consideration by Olmsted Falls City Council in response to action by Olmsted Falls City Council on 05.24.2022 (See attached highlighted section of approved minutes), and

**Whereas** in Resolution 24-2022 reflected in the minutes of a regular Council meeting on Tuesday, March 14, 2023, at Olmsted Falls City Hall in Council Chambers at 7:30pm, the Olmsted Falls City Council voted on the following:

**Resolution 24-2022 A RESOLUTION TO REPEAL RESOLUTION 14-2019 REGARDING CITY COUNCIL'S APPROVAL TO PARTICIPATE IN THE FORMATION AND PARTICIPATION OF THE OLMSTED JOINT RECREATION DISTRICT (JORD)**

*Tabled on Third Reading (05/25/2022) Mr. Chitester moved to remove from table; Ms. Buchholz seconded. Poll: 4 ayes; 3 nays (McFadden, Saari, Jones). Motion carried. Mr. Chitester moved to adopt; Ms. Buchholz seconded. Poll: 4 ayes; 3 nays (Jones, Saari, McFadden). Motion carried.*

**Whereas** though Olmsted Township Board of Trustees remains committed to the vision of our residents regarding the provision of recreation services that enhance the quality of life in Olmsted Township, now

**Therefor be it resolved**, that the Olmsted Township Board of Trustees hereby withdraw from membership in the JORD pursuant to ORC 755.181, effective upon delivery of a certified copy of this resolution to the JORD Board of Directors; further pursuant to ORC 755.181 the members of the JORD Board of Directors previously representing the Township are deemed to have formally resigned; this action was taken on 14 June 2023.

**BE IT FURTHER RESOLVED** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 14<sup>th</sup> day of June, 2023

Attest: Brian W. Gullitt  
Township Fiscal Officer

James M. Huns  
Traci J. Jones  
Kiley  
Township Trustees



## **Old Business**

### ***Resolution 24-2022***

A RESOLUTION TO REPEAL RESOLUTION 14-2019 REGARDING CITY COUNCIL'S APPROVAL TO PARTICIPATE IN THE FORMATION AND PARTICIPATION OF THE OLMSTED JOINT RECREATION DISTRICT (JORD) **Tabled on Third Reading (05/25/2022)**

Mr. Chitester moved to **remove from table**; Ms. Buchholz **seconded**. Poll: 4 ayes; 3 nays (McFadden, Saari, Jones). **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 4 ayes; 3 nays (Jones, Saari, McFadden). **Motion carried**.

### ***Ordinance 26-2022***

AN ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE EIGHT – BOARD AND COMMISSIONS CHAPTER 280 – SHADE TREE COMMISSION AND DECLARING AN EMERGENCY **Tabled on Third Reading (06/14/2022)**

Mr. Chitester moved to **remove from table**; Ms. Buchholz **seconded**. Poll: 6 ayes; 1 nay (Jones). **Motion carried**. Mr. Chitester moved to **amend** by substitution Exhibit "A" with Exhibit "A" amended dated March 14, 2023; Ms. Buchholz **seconded**. Poll: 6 ayes; 1 nay (Jones). **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Ms. Jones stated that her objections have nothing to do with people, they have to do with the structure of government and the reason things are done a certain way; to provide internal controls in government and she is against removing internal controls and oversight. Poll: 6 ayes; 1 nay (Jones). **Motion carried**.

### ***Ordinance 54-2022***

AN ORDINANCE CHANGING THE NAME OF VILLAGE GREEN PARK TO VILLAGE GREEN VETERANS MEMORIAL PARK **Tabled on Third Reading (12/13/2022)**

**Remained Tabled**

## **New Business**

### ***Ordinance 11-2023***

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CHAGRIN VALLEY DISPATCH FOR MOTOROLA COMPUTER ASSISTED DISPATCH SOFTWARE PROGRAM (CAD), AND DECLARING AN EMERGENCY **First Reading**

Mr. Chitester moved to **suspend**; Ms. Buchholz **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **waive** the reading in its entirety; Ms. Buchholz **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

**Miscellaneous New Business - None**

**Such other business that may come before Council - None**





Mr. Munteanu stated that the public hearing has been scheduled for Monday, June 27, 2022 at 7:30 p.m. Information for this has been distributed to Council in their packets.

**Ordinance 21-2022**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF OLMSTED FALLS, TO ENTER INTO AN AMENDED CONSULTING AGREEMENT WITH T. JORDAN AND ASSOCIATES, LLC FOR PROFESSIONAL SERVICES RELATED TO ECONOMIC DEVELOPMENT, AND DECLARING AN EMERGENCY

**Third Reading**

Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Ms. Jones stated that for a couple of years she has been asking for our economic consultant regarding what he has done and brought and she can't tell you how much money he has brought in in excess of what the mayor would have brought in; he doesn't give us a report. She has no problem giving him \$2400 more a year but it just seems that he should report to Council and what he is applying for. There was an announcement in the paper two weeks ago about Berea got \$200,000, Olmsted Township got \$100,000, North Olmsted got \$200,000, Middleburg Heights got \$200,000, and we got nothing of course we didn't apply for that grant but why don't we apply for every grant there; she just doesn't understand. She would like regular reports just so he can say that he has researched these grants because he does several cities so he should know what grants are out there and we should apply for everything, in her opinion. Poll: 6 ayes; 0 nays. **Motion carried.**

**Resolution 24-2022**

A RESOLUTION TO REPEAL RESOLUTION 14-2019 REGARDING CITY COUNCIL'S APPROVAL TO PARTICIPATE IN THE FORMATION AND PARTICIPATION OF THE OLMSTED JOINT RECREATION DISTRICT (JORD) **Third Reading**

Mr. Chitester moved to **table**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

**Resolution 25-2022**

A RESOLUTION TO APPROVE AND ACCEPT THE GOVERNING RULES AND BYLAWS OF THE JOINT OLMSTED RECREATION DISTRICT **Third Reading**

Mr. Chitester moved to **amend** Exhibit "A" version #7 dated 04/12/22 with Exhibit "A" version #8 dated 05/02/22; Ms. Jones stated that she moved to adopt so we have to vote on hers first and then Mr. Chitester said after that move to amend so we have to vote on hers and then we can vote on his. Mr. Chitester asked for a point of order, law director which takes precedent. Mr. Berner replied yours Mr. Chitester. Ms. Jones stated that she thought it was whoever made the motion first, excuse her that's how it use to be. Ms. Buchholz **seconded**. Mr. McFadden asked what we were voting on. Ms. Jones stated that they want to amend Mr. Berner's version of the articles; he wants to change version #7 to version #8 and the difference is, we failed to meet and communicate but the big difference is like is pretty much taking, its pretty bad, its nothing like normal JORD's have or anything like that and it pretty much takes us off of the table. Mr. McFadden asked if Council was voting to adopt. Ms. Jones replied no; she made the motion to the adopt nobody seconded and nobody seconded Mr. Chitester either until they called for a second even though she got hers out first they are saying it doesn't matter, so now they are going to vote on replacing the 8<sup>th</sup> version where the 7<sup>th</sup> version is now which was with the original legislation. The Clerk indicated that she would poll on amending Exhibit "A" dated April 12<sup>th</sup> with an Exhibit "A" dated May 2, 2022 and version #8. Mr.





Bemer indicated that the clerk is correct. Mr. McFadden asked if Council was adopting. The Clerk replied no, you will vote on substituting version #7 to version #8 and then a motion for the legislation will be made. Voice Vote: 5 ayes; 1 nay (Jones, "I support the JORD"). **Motion carried.** Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Ms. Jones asked if we could discuss the changes, so we all know what we are voting on since we didn't have a meeting on it and never discussed it publicly as required by law. She asked Mr. Bemer to explain what was changed that way we all know. Mr. Munteanu stated that the changes are as Mr. Thompson knows because he got a copy of it right away is that Olmsted Township is going to, if they agree, to come up with the fees for insurance and all the fees needed to create the JORD and move it forward. Ms. Jones asked Mr. Bemer how many bylaws of any organization have fees addressed in them; she asked several communities and they said it's not common; so how many bylaws have fees. Mr. Bemer replied that he could not respond to that. Ms. Jones stated also, if there is an election, the township has to pay which is not for a long time, the township would have to pay for the falls to have an election and mostly this is for the regular election anyway and there is none planned but you're saying the township would have to pay so then what participation right would we have to even be involved with the JORD if we are not involved at all. Mr. Bemer stated that was covered in this version. He indicated that Ms. Jones has had the document for three weeks which gave her ample opportunity to look it over and make inquiries; you don't wait till the last minute to do it. Ms. Jones stated that she thought we were meeting last Thursday to discuss then she found out because the trustees wouldn't come we are not discussing it anymore; so she wants to bring up the problems with it and basically version #8 is written to harm the JORD; takes our financial control away. Poll: 6 ayes; 0 nays. **Motion carried.** During polling Mr. McFadden asked what Council was voting on now, he thought Council voted to change the exhibit. The clerk stated that Council did vote to substitute the bylaws with Version #8, she is now polling on the adoption of the legislation with version #8 as the bylaws. Ms. Jones stated that she is trying to decide because if she votes no people will say she wasn't for the JORD, which she is, but these bylaws are not for the JORD, she voted yes because she wants them to at least try something, in protest.

#### ***Ordinance 26-2022***

AN ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE EIGHT – BOARD AND COMMISSIONS CHAPTER 280 – SHADE TREE COMMISSION AND DECLARING AN EMERGENCY **Second Reading**

#### **New Business**

#### ***Resolution 28-2022***

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION ON BEHALF OF THE CITY OF OLMSTED FALLS FIRE DEPARTMENT TO PARTICIPATE IN A GRANT THROUGH THE OHIO EMERGENCY MANAGEMENT AGENCY OFFICE OF FIRST RESPONDER WELLNESS FOR THE PURPOSE OF WELLNESS, RECRUITMENT, RETENTION & RESILIENCY AND ACCEPTING SAID FUNDS IF AWARDED, AND DECLARING AN EMERGENCY **First Reading**

Mr. Chitester moved to **suspend**; Ms. Buchholz **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Chitester moved to **waive** the reading in its entirety; Ms. Jones **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**



## RESOLUTION NO. 067-2022

*Joint Olmsted Recreation District (JORD) Draft #9 ByLaws*

Cuyahoga County, Ohio

**Be It Resolved** by the Township Trustees of Olmsted Township

**Whereas**, on December 18, 2019 the Olmsted Township Board of Trustees approved Resolution 187-2019 pursuant to Ohio Revised Code 755.14 stating the intent to form the Joint Olmsted Recreation District (JORD); the Olmsted Falls City Council approved similar legislation Resolution 91-2019 to form the Joint Olmsted Recreation District (See Resolutions #187-2019 and #91-2019)(See relevant Sections 755 of the Ohio Revised Code); and

**Whereas**, both resolutions read in part the joint recreation district may be “an effective means of 1) providing community programming in recreational, educational, social, cultural, and athletic areas, and b) acquiring property for, constructing, operating and maintaining parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic, educational or recreational activities for the benefit of all citizens”, and

**Whereas**, authority for the establishment of a joint recreation district and regulations for operation are in Section 755 of the Ohio Revised Code, and

**Whereas**, Olmsted Township Comprehensive Plan 2019, a vision and blueprint for the Township was developed with resident input; results of committee and public meetings as well as online surveys placed recreation, development of outdoor recreation spaces, trails, parks, bike-ways, sidewalks as the #2 priority behind economic development, and

**Whereas**, the JORD would possess the ability to offer recreation to Olmsted Township and Olmsted Falls residents; residents would determine their level of interest in participation; the JORD would have the ability to place a bond issue or levy on the ballot and residents/voters would then have the opportunity to approve or reject any taxes to support recreation efforts, whether services or facilities, and

**Whereas**, in April 2022 both Olmsted Township and Olmsted Falls were given Draft #7 by the JORD Board of Directors for approval; this document contained the bylaws for the JORD- bylaws to provide structure and to allow the JORD Board to begin to determine how it could best provide recreation services to the residents of Olmsted Township and the City of Olmsted Falls, and

**Whereas**, on May 24, 2022, Olmsted Falls City Council approved Draft #8 of the JORD Bylaws containing the following changes to Draft #7 (See Resolution #25-2022):

### **Section III. Powers & Duties of the JORD Board of Directors**

#### **Draft #7:**

- A. Create and implement the JORD as an independent taxing authority in order to provide revenue for its programs and operations, according to law,

#### **Draft #8:**

- A. Create and implement the JORD as an independent taxing authority in order to provide revenue for its programs and operations, according to law. However, the Olmsted Falls City Council and Olmsted Township Board of Trustees shall approve by a majority vote of each Governmental Entity any decision to present a levying of taxes or bond issue to the respective voters as also approved by a majority of the JORD Board.

### **Section V: Governance**

#### **Draft #7:**

- C. For all resolutions involving the levying of taxes or bond issues, a two-thirds (2/3) vote of the JORD Board (at least five (5) members) will be required for passage.



**Draft #8:**

- C. For all resolutions involving the levying of taxes or bond issues, a two-thirds (2/3) vote of the JORD Board (at least five (5) members) will be required for passage. The JORD Board approval to present a levying of taxes or bond issue to the voters is subject to prior approval of the same by a majority of respective members of Olmsted Falls City Council and the Olmsted Township Board of Trustees.

**Section VIII Meetings:**

**Draft #7 & 8:**

- E. During any meeting, any JORD Board Member can move to adjourn into Executive Session for the purposes of discussing one or more subjects noted in the Ohio Revised Code Section 121.22(G)2-8. The motion requires a second and a majority vote. Only matters meeting the requirements of the notice Executive Session may be discussed.

**This item should read:**

- E. During any meeting, any JORD Board Member can move to adjourn into Executive Session for the purpose of discussing only one (1) subject as noted in the Ohio Revised Code Section 121.22(G)2-8. The motion requires a second and a majority vote. Only matters meeting the requirements for an Executive Session including naming of the appropriate Ohio Revised Code provision may be discussed.

**Section VIII Financial Affairs:**

**Draft #7:**

- A. The funds of the JORD shall be deposited in an approved banking institution in the name of the Joint Olmsted Recreation District. The Treasurer shall pay all authorized expenses.

**Draft #8:**

- A. The initial cost outlay for any organizational costs including the expenses of the Cuyahoga County Board of Elections for ballot issues, as well as any legal costs, shall be fully assumed by the Olmsted Township Board of Trustees, together with any private funding. The funds of the JORD shall be deposited in an approved banking institution in the name of the Joint Olmsted Recreation District. The Treasurer shall pay all authorized expenses.

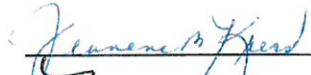


**Whereas**, the Board of Trustees is unable to reconcile a joint recreation district with the requirement expressed in Section VIII Financial Affairs; the decision to impose all costs on the Olmsted Township, its residents and taxpayers as a condition of approval supersedes the authority of one government to impose a financial burden on another government- in this case a partnering entity and denies the basis of the agreement, i.e., a joint district for the purpose of providing recreational opportunities to residents of Olmsted Township and the City of Olmsted Falls, now

**Therefore be resolved** that the Board of Trustees of Olmsted Township approve Draft #9 (See attached) incorporating changes to Draft #8 as approved by Olmsted Falls City Council this 13<sup>th</sup> day of July 2022.

**BE IT FURTHER RESOLVED** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 13<sup>th</sup> day of July, 2022

Attest:   
Township Fiscal Officer

  
  
  
Township Trustees



**JOINT OLMSTED RECREATION DISTRICT (JORD)**  
**BYLAWS ADOPTED BY THE BOARD OF DIRECTORS**

DRAFT COPY #9

July 13, 2022



**Olmsted**  
Joint Recreation District



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I. Name of Organization & Members

The formal name of the organization is the "Joint Olmsted Recreation District" (hereinafter referred to as "JORD") created via resolution by the governmental entities of the City of Olmsted Falls and Olmsted Township (hereinafter referred to as "Governmental Entities") in 2019 as a joint recreation district under the applicable provisions of Chapter 755 of the Ohio Revised Code (ORC).

Appointed members of the JORD Board shall be referred to individually as a "Board Member" and collectively as the "JORD Board of Directors" and shall serve as the governing body of the JORD, possess and exercise such powers as authorized under the applicable provisions of Sections 755.12 through 755.18 of the Ohio Revised Code, and as related to the JORD's purpose as stated in the respective resolutions of Olmsted Township and the City of Olmsted Falls.

II. Mission & Purpose

The JORD was created via legislation in 2019 between Olmsted Township and the City of Olmsted Falls to provide enhanced recreational opportunities for both communities beyond what each could provide for themselves.

The primary purposes of the JORD shall be to:

- A. provide community programming in recreational, educational, social, cultural, and athletic areas in an efficient, effective, and fiscally sustainable manner;
- B. develop short-and long-term recreational goals that address the vision of the Community;
- C. acquire property and other assets for constructing, operating, and maintaining parks, playgrounds, play fields for all types of sports, aquatics, all-purpose trails, and facilities;
- D. work collaboratively with governmental, public, and private partners to implement the vision of the Community;
- E. preserve and protect real property with important natural features such as parks and spaces for governmental, civil, education and/or recreational activities for the benefit of all citizens.

III. Powers & Duties of the JORD Board of Directors

The JORD Board of Directors are hereby granted the specific powers and duties, including but not limited to, the enumerated herein below:

- A. create and implement the JORD as an independent taxing authority in order to provide revenue for its programs and operations, according to law,

- B. enter into contracts for acquisition of assets and provide for the construction, operation, control, occupancy, maintenance, repair, management, purchase of products, items and services related to JORD programs and facilities;
- C. develop and implement policies and procedures for the operation, control, management of personnel, and maintenance of its facilities and programs relating thereto;
- D. exercise all powers that may be necessary to enable it to perform and carry out the duties and responsibilities conferred upon its Members or which may hereafter be imposed upon it by law, contract, or these bylaws;
- E. accept gifts and bequests, apply for and use subsidies, grants or appropriations of money and personal or real property from any lawful source, and enter into any and all agreements required in connect therewith in accordance with the terms of the gift, subsidy, grant appropriation, agreement or contract related thereto;
- F. establish, join and cooperate with committees and advisory groups of citizens, and others interested in the JORD and its work;
- G. receive, review, modify, and approve on an annual basis a comprehensive strategic plan;

#### IV. JORD Board of Directors

##### A. Composition:

- 1. The Board shall be composed of seven (7) Board Members. The two (2) Governmental Entities shall each appoint three (3) JORD Board Members who are at least 18 years old and reside for at least one full year in the political entity that he/she represents. Initially, the appointed six (6) Board Members shall select the one (1) additional member.
- 2. Following the initial formation of the JORD Board, this additional Member's appointment shall alternate between each of the Governmental Entities on a rotating basis.

##### B. Appointments:

- 1. Initially, each Governmental Entity shall appoint three (3) JORD Board Members to represent that entity for respective terms of 1, 2, or 3 years. No Board Member may be employed by either Governmental Entity while serving as a Board Member.
- 2. Thereafter, as each term expires, the appointment to fill the vacancy will be for a term of three (3) years.
- 3. The seventh (7<sup>th</sup>) Member confirmed by the six (6) appointed Board Members shall have a term of three (3) years, with each appointment alternating between Olmsted Township and the City of Olmsted Falls.
- 4. Terms shall commence on January 1<sup>st</sup> and end December 31<sup>st</sup> of each year.
- 5. Members of the JORD Board may serve two (2) 3-year terms in succession. If the Board Member is interested in serving again, he/she must sit out at least one (1) 3-year term before requesting appointment.

6. From time to time, as the JORD Board determines beneficial, it may appoint Committees, Sub-Committees, and/or Advisory participants as non-voting members.

C. Officer Positions:

The Board of Directors Officers shall be the Chairperson, Vice Chairperson, Secretary, and Treasurer. Officers may serve up to two (2) consecutive 1-year terms in the same role. The election of Officers of the JORD Board of Directors shall take place at the first regular meeting of each year. In the event of a vacancy, the JORD Board of Directors shall have forty-five (45) days to elect a successor. All JORD elections shall be non-partisan.

D. Duties of Officers:

1. Chair: the Chair shall preside at all regular and/or special meetings of the JORD and, with the Treasurer, shall jointly execute all contracts and agreements approved by the Board. Unless waived by a majority vote of the Board of Directors, the Chair shall have served on the JORD Board of Directors for at least one (1) year prior to election as the Chair.
2. Vice-Chair: The Vice-Chair, in the absence of the Chair, shall perform all duties of the Chairperson. The Vice-Chair may serve as an ad hoc member of any sub-committee that may be formed.
3. Secretary: The Secretary shall keep minutes of all meetings, publish an agenda in accordance with the policies, arrange for proper notification and publication of all regular and special meetings of the JORD, and shall handle all official correspondence.
4. Treasurer: The Treasurer shall be responsible for the collection and disbursement of all funds of the JORD and for the maintenance of the JORD's fiscal records, all in accordance with accepted accounting principles. She/he shall render an account to the JORD Board at each regular meeting of all transactions, and shall present a prepared and certified financial statement at least once a year. The Treasurer, in collaboration with the Chair, shall verify all accounts payable invoices, write/print, sign and endorse in the name of the JORD all checks, drafts, notes and other orders for payment. All checks, drafts, notes and other orders for payments shall require two (2) signatures: that of the Treasurer and one (1) officer of the JORD Board.
5. The Treasurer and Chair shall be bonded at the expense of the JORD at the minimum bond amount.
6. The Treasurer shall perform all duties relevant to levy or bond issues including interacting with the Cuyahoga County Auditor, filing all appropriate documents relative to placement of the levy/levies or bond issue/issues on the ballot and collection of funds.

E. Code of Ethics & Accountability

All JORD Board of Directors are expected to sign, and commit to upholding, the Commitment to Serve Pledge. In addition, the JORD Board of Directors shall, to the best of their respective ability:

1. commit to attend at least 75% of regular JORD Board meetings;

2. work for the public/community good to accomplish the stated purpose;
3. make ethical choices in the conduct of their work on behalf of the JORD with honesty, integrity, and fair practices;
4. comply with all state Code of Ethics requirements and guidelines as they relate to Conflicts of Interest, Confidentiality, Open Meetings (Sunshine Law) and Public Records.

F. Resignation or Termination

1. Resignation

- a. A JORD Board Member may submit a letter of resignation to the Secretary of the Board at any time.
- b. The resignation shall officially be the date the Board accepts the Member's resignation, thus creating a vacancy on the Board.

2. Termination

- a. The Board may remove a Member for disorderly conduct at a JORD meeting, for failure to fulfill the duties of his/her office, or for violation of the Code of Ethics applicable to such Board Members as set forth in the Ohio Revised Code.
- b. A removal under this section shall require a 2/3 majority vote of the entire JORD Board Members.
- c. The Board shall set forth the reasons for removal and serve it upon the Member in question.
- d. The Member in question shall have the opportunity to respond to the reasons for the removal at the next regular meeting of the Board occurring not less than ten (10) days after serving notice. Upon agreement of the Board and the Member subject to removal, the Board may schedule a special meeting to hear the reasons for removal and the response thereto. The decision of the Board regarding removal of a Board Member shall be final without recourse.
- e. Should the Board vote to terminate, the official date of termination shall be the meeting date of the vote for removal, thus creating a vacancy on the Board.

G. Vacancies

1. Any Board Member who replaces a resigned or terminated Board Member is still eligible to serve two (2) consecutive terms as a Board Member, provided the Member did not serve more than one-third (1/3) of the replaced Member's term
2. If any Member of the JORD Board resigns or is removed within his/her term of office, the appropriate Governmental Entity shall have sixty (60) calendar days from the time of the removal/resignation to appoint a replacement. If a replacement is not appointed within the allocated time, the JORD Board must appoint a replacement of the appropriate Governmental Entity within forty-five (45) days. The replacement shall be appointed to fill the unexpired term of the vacating Member. Any vacancy to the Board shall be posted for a minimum of fifteen (15) days.



## V. Governance

- A. The business of the JORD shall be conducted by the JORD Board of Directors only when a quorum of four (4) or more is present.
- B. The JORD Board shall have the authority to pass resolutions and motions. A majority of the JORD Board of Directors four (four) must be present at a meeting in order to act on any motion or resolution.
- C. For all resolutions involving the levying of taxes or bond issues, a two-thirds (2/3) vote of the JORD Board (at least five (5) Members) will be required for passage
- D. Resolution shall generally be used for matters creating a right, involving the expenditure of money, the levying of taxes, the purchase, lease, sale or transfer of property, and such other matters that involve matters of permanence or recognition.
- E. Motions are generally used for all other matters.
- F. No resolution or motion shall contain more than one subject, which shall be clearly expressed in the title. Each such resolution or motion shall be adopted or passed by a separate vote of the JORD; the ayes, nays, and abstentions shall be entered in the minutes. Resolutions shall be authenticated by the signature of the Chair and Secretary. All resolutions shall be published by posting in a conspicuous spot in each of the participating Governmental Entities.
- G. The appointed JORD Board Members have the responsibility of reporting the actions, vision and long/short term plans of the JORD to their respective Governmental Entities.

## VI. Bylaw Amendments

- A. Any amendment/change in the JORD Bylaws must be approved by two-thirds (2/3) majority of the Directors of the JORD Board. Once the amendment/change has been approved, it must also be presented and submitted to the members of Olmsted Falls City Council and to the members of the Olmsted Township Board of Trustees for their consideration and approval.
- B. Presentation must be made at an Olmsted Falls City Council and Olmsted Township Trustee meeting. The Governmental Entities will then have forty-five (45) calendar days from the date of each respective meeting to comment and approve or reject the amendment/change. Both Governmental Entities must approve all amendments and changes before they become part of the official JORD Bylaws.

## VII. Meetings

The intended schedule of meetings of the JORD for the forthcoming calendar year shall be set at the organizational meeting held at the first regular meeting in January of a given year. The meeting dates and times will be consistent; and location of meetings will rotate between the

City of Olmsted Falls and Olmsted Township. All meetings of the JORD Board are subject to Ohio's Open Meetings Law.

- A. Notice of all meetings shall be posted by the JORD Secretary at Olmsted Township Administration Building and Olmsted Falls City Hall at least twenty-four (24) hours prior to regular and special meetings.
- B. Special meetings of the JORD may be called by the Chair, Vice Chair, or any three (3) JORD Board Members. The purpose of the meeting must be stated, and action may only be taken on those items. There must be a minimum twenty-four (24) hour notice specifically given to each JORD Board Member as well as public notice for any special meeting.
- C. A quorum of the JORD Board of Directors must be present at all regular and/or special meetings to conduct any business.
- D. All meetings shall be conducted in accordance with Roberts Rules of Order, unless otherwise determined by a majority of the Members of the JORD Board.
- E. During any meeting, any JORD Board Member can move to adjourn into Executive Session for the purpose of discussing one (1) subject noted in the Ohio Revised Code Section 121.22(G)2-8. The motion requires a second and a majority vote. Only matters meeting the requirements for an Executive Session including naming of the appropriate Ohio Revised Code provision may be discussed.
- F. In matters concerning the agenda:
  - 1. The agenda of all meetings shall be set by the Chair of the JORD Board. The Secretary, with the Chair's prior review, shall prepare and disseminate the agenda, and/or schedule of matters to be brought before the JORD Board.
  - 2. This agenda shall be posted and emailed to each Member at least twenty-four (24) hours before any meeting. Any persons, groups, or delegations wishing to appear before the JORD Board may advise the Secretary of their interest in addressing the JORD Board but this is not required.
  - 3. The agenda will provide for an opportunity for public comment related to the agenda and another opportunity for public comment unrelated to the agenda.
  - 4. Printed materials may be made available to the Members of the JORD Board prior to or at the meeting.
  - 5. Each person shall be allowed a maximum of two (2) minutes to address the JORD Board, provided this time may be modified at the Chair's discretion in the interest of the JORD. Groups of persons addressing the same subject shall be allowed a maximum of five (5) minutes.
  - 6. Under the provisions of the Ohio Revised Code 121.22, informal gatherings of four (4) or more JORD Board Members where no public notice has been given of a pre-arranged date/time for the purpose of discussing JORD business constitutes a violation of the Sunshine Law; no formal JORD business or action may occur.

#### VIII. Financial Affairs

- A. The funds of the JORD shall be deposited in an approved banking institution in the name of the Joint Olmsted Recreation District. The Treasurer shall pay all authorized expenses.
- B. The fiscal year shall commence January 1 and end December 31 of each year.
- C. An agreed upon independent individual or company familiar with government accounting shall establish the accounting system for the JORD; it shall consist of revenue and appropriation accounts that allow for multiple sources of revenue and accounts that reflect a range of disbursements.

This individual or company, familiar with governmental accounting practices shall act as a consultant to the JORD Board. On an annual and/or as needed basis, the consultant shall review transactions and make recommendations to the JORD Board.

Finances of the JORD shall be made available to both Olmsted Township Board of Trustees and Olmsted Falls City Council at least on an annual basis or as requested.

- D. Capital expenditures, outside of the approved budget and more than \$500, shall be approved by a majority vote of the JORD Board of Directors.
- E. A temporary budget must be presented to the JORD Board at the first regular meeting in January and a final budget approved by March 31 of each year. At a minimum, the budget shall include line items for operational revenue and expenditures and for capital revenue and expenditures.
- F. The JORD Board may hire or contract with an individual or company with appropriate qualifications to serve as the fiscal agent. Neither Olmsted Falls nor Olmsted Township Fiscal Agents/Finance Directors may serve as the consultant or as a Fiscal Officer for the JORD.
- G. For passage of a levy or bond issue, a simple majority is not sufficient to indicate approval of the voters. Any proposed levy or bond issue placed on the ballot for approval/passage must pass with a majority vote in both Olmsted Township and in the City of Olmsted Falls for any enactment of millage whether for a levy or bond issue to be placed on residents' tax duplicate.

#### IX. Legal Affairs

The JORD Board of Directors may retain and consult independent legal counsel on any and all matters including, but not limited to, levying of taxes, bond issues, issues of potential liability, purchase, sale, transfer of land, contracts, and personnel issues. Neither the legal counsel for Olmsted Township nor the City of Olmsted Falls may serve as legal counsel for the JORD. Independent counsel is required.

#### X. Additions/Deletions of Governing Entities

- A. In the event other Governmental Entities and/or school district(s) join the JORD, or in the event the participating Governmental Entities terminate their participation, the number of Board Members shall be increased or decreased by three (3) with each occasion.
- B. The JORD Board may agree to add new Governmental Entities. Any new members must be approved by a majority vote of the Olmsted Township Board of Trustees, the Olmsted Falls City Council, and two-thirds (2/3) vote of the JORD Board Members. Prior to admitting any such new Governmental Entities for membership, the JORD Board of Directors shall recommend to the existing entities, terms under which new member shall be admitted, including, but not limited to the financial contributions of the new member.
- C. As Olmsted Falls City Council and the Olmsted Township Board of Trustees are the responsible fiduciary agents for their respective governments, all terms, conditions, contributions, and any other contract modifications must be determined and acted upon by the duly elected members of those two entities.
- D. The JORD Board shall amend these bylaws to reflect changes necessitated by adding a new member.

#### XI. Dissolution

In the event of the dissolution of the JORD, the assets of the JORD will be transferred to and/or distributed to all member Governmental Entities participating in the JORD, if practicable; otherwise, assets shall be sold at the time of the dissolution in proportion to the financial contribution each Governmental Entity and/or its taxpayers have made to the JORD.

Either party desiring to dissolve the JORD shall provide written notice of such intent at least six (6) months prior to the effective date of dissolution. Any such intent must be approved by a majority vote of the dissolving Governmental Entity whether it be the Olmsted Township Board of Trustees or Olmsted Falls City Council. Should either Olmsted Township or the City of Olmsted Falls vote to terminate participating in the JORD, such vote will have the effect of causing the JORD to be dissolved, assuming no further Governmental Entities have become part of the JORD.

Signature page to consist of the following signatures:

Olmsted Falls City Council President  
Olmsted Falls Mayor

Olmsted Township Trustee

Law Director in either community is able to sign only if he/she is a resident of Olmsted Township or Olmsted Falls. Either/both may sign as witnesses to the action taken.

## Section 755.18 | Payment of expenses.

Ohio Revised Code / Title 7 Municipal Corporations / Chapter 755 Parks; Recreation

*Effective: May 6, 2005   Latest Legislation: House Bill 16 - 126th General Assembly*

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All expenses incurred in the operation of parks, playgrounds, playfields, gymnasiums, swimming pools, public baths, indoor recreation centers, and community centers, established as provided by sections 755.12 to 755.17 of the Revised Code, shall be payable from the treasury of the municipal corporation, township, township park district, county, or school district, or in the case of a joint recreational district or an educational service center, from its general fund. The local authorities of a municipal corporation, county, township, township park district, or school district having power to appropriate money may annually appropriate and cause to be raised by taxation an amount for the purpose of maintaining and operating those parks, recreational facilities, and community centers.

A joint recreation district may levy a tax, subject to Chapter 5705. of the Revised Code, to acquire, maintain, and operate recreational facilities and community centers.

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### Available Versions of this Section

May 6, 2005 – House Bill 16 - 126th General Assembly





THIS COPY IS NOT SIGNED.

**RESOLUTION NO. 25-2022**

**INTRODUCED BY: COUNCIL MEMBERS SCOTT SAARI AND LORI JONES**

**A RESOLUTION TO APPROVE AND ACCEPT THE  
GOVERNING RULES AND BYLAWS OF THE JOINT  
OLMSTED RECREATION DISTRICT**

**WHEREAS**, the City of Olmsted Falls believes that a joint recreation district formed pursuant to Ohio Revised Code 755.14 may be an effective means of (a) providing community programming in recreational, educational, social, cultural and athletic areas, and (b) acquiring property for, constructing, operating and maintain parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic educational or recreational activities for the benefit of all citizens; and

**WHEREAS**, the City of Olmsted Falls has determined that it is in the best interest of the residents of the City of Olmsted Falls, in conjunction with Olmsted Township, to provide governing rules and bylaws for the previously established Joint Olmsted Recreation District by Resolution 14-2019 (Amended); and

**WHEREAS**, the City of Olmsted Falls and in conjunction with Olmsted Township have both reviewed and modified the governing rules and bylaws by their collective legal departments and have provided input and modifications to the document that are being presented for adoption; and

**WHEREAS**, the City of Olmsted Falls believes that it is in the public's interest to approve and accept the governing rules and bylaws of the Joint Olmsted Recreation District. Now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:**

**SECTION 1.** Contingent upon passage of a consistent resolution by Olmsted Township being identical as to fact with this Resolution, including any appendices or attachments, there is hereby established the governing rules and bylaws for the Joint Olmsted Recreation District as attached.

**SECTION 2.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Resolution shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
*Cornel Munteanu, President of Council*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*James P. Graven, Mayor* *Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*John Castele, Asst. Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Jones	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Buchholz	_____	_____
Saari	_____	_____

**RESOLUTION NO. 91-2019 (AMENDED)**

**INTRODUCED BY: MAYOR JAMES GRAVEN AND COUNCIL AS A WHOLE**

**A RESOLUTION TO FORM THE JOINT OLMSTED  
RECREATION DISTRICT AND REPEALING RESOLUTIONS  
14-2019 AND 90-2019 (1<sup>ST</sup> REVISION), AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City of Olmsted Falls believes that a joint recreation district formed pursuant to Ohio Revised Code 755.14 may be an effective means of (a) providing community programming in recreational, educational, social, cultural and athletic areas, and (b) acquiring property for, constructing, operating and maintain parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic educational or recreational activities for the benefit of all citizens; and repealing Resolutions 14-2019 and 90-2019 (1<sup>st</sup> Revision) and,

**WHEREAS**, the City of Olmsted Falls has determined that it is in the best interest of the residents of the City of Olmsted Falls, in conjunction with Olmsted Township, to establish a joint recreation district, the boundaries of which should be the boundaries of the City of Olmsted Falls and Olmsted Township; and

**WHEREAS**, the City of Olmsted Falls believes that it is in the public's interest to obtain board representation on the governing body for such a joint recreation district. Now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED  
FALLS, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:**

**SECTION 1.** Contingent upon passage of a consistent resolution by Olmsted Township being identical as to fact with this Resolution, including any appendices or attachments, there is hereby established a joint recreation district, pursuant to Ohio Revised Code 755.14(C), which shall be known as the Joint Olmsted Recreation District, the boundaries and territory of which shall be the boundaries and territory of Olmsted Township and the City of Olmsted Falls.

**SECTION 2.** The Joint Olmsted Recreation District shall have all of those powers enumerated under Ohio Revised Code 755.12-755.18.

**SECTION 3.** The Joint Olmsted Recreation District shall be governed by the Joint Olmsted Recreation District Board of Trustees, which shall consist of seven (7) trustees. The City of Olmsted Falls City Council and Olmsted Township Board of Trustees shall each appoint three (3) individuals residing within the respective appointing subdivision to serve on the Board of Trustees. Vacancies in the offices of the subdivision-appointed members of the Board of Trustees shall be filled by the legislative authority of the subdivision that initially appointed the Trustee. The initial governing document ("Bylaws"), any subsequent amendments and/or modifications to the Bylaws, or the



adoption of any new or substitute Bylaws, must be approved by each political subdivision's respective legislative body.

Each appointing subdivision shall make its initial three (3) appointments to the Joint Olmsted Recreation District Board of Trustees within thirty (30) days from the later of the date of passage of this Resolution by the Olmsted Falls City Council or passage of the Resolution establishing the Joint Olmsted Recreation District by the Olmsted Township Board of Trustees.

Not later than thirty (30) days after the last date of appointment of the initial Trustees by the governmental entities, one (1) at-large trustee residing within the District shall be appointed by a majority vote of the six (6) initial subdivision-appointed members of the Board of Trustees. The residency of the at-large Trustee shall be alternated between the two political subdivisions from term to term. The at-large Trustee shall serve as Chairperson of the Board.

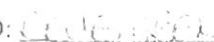
**SECTION 4.** Each Trustee on the Board of Trustees of the Joint Olmsted Recreation District shall be appointed for a three (3) year term, with the exception that the initial terms for members appointed by each subdivision shall be staggered at one (1), two (2) and three (3) years. The at-large Trustee term shall be three (3) years. Each trustee may serve for two (2) consecutive terms.

**SECTION 5.** Vacancies of subdivision-appointed members in the District shall be filled by the legislative authority of the subdivision from which the vacating member was appointed. Vacancies of the board-appointed member shall be filled by a majority vote of the Board. The vacancy shall be filled for the length of the unexpired term of the vacating member.

**SECTION 6.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 7.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the reason that the Joint Olmsted Recreation District must be established at the earliest possible time in order to pursue the acquisition of property. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

  
\_\_\_\_\_  
Paul Stibich, President of Council

PASSED:  11/20/19





**RESOLUTION NO. 187-2019**  
**A RESOLUTION INDICATING INTENT TO FORM THE JOINT OLMSTED**  
**TOWNSHIP/OLMSTED FALLS RECREATION DISTRICT (JORD)**

*Cuyahoga County, Ohio*

**Be It Resolved** *by the Township Trustees of Olmsted Township that*

**WHEREAS**, Olmsted Township believes that a joint recreation district formed pursuant to Ohio Revised Code 755.14 may be an effective means of (a) providing community programming in recreational, educational, social, cultural and athletic areas, and (b) acquiring property for, constructing, operating and maintain parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic educational or recreational activities for the benefit of all citizens; and

**WHEREAS**, Olmsted Township has determined that it is in the best interest of the residents of Olmsted Township, in conjunction with the City of Olmsted Falls, to establish a joint recreation district, the boundaries of which should be the boundaries of Olmsted Township and the City of Olmsted Falls; and

**WHEREAS**, Olmsted Township believes that it is in the public's interest to obtain board representation on the governing body for such a joint recreation district. Now therefore,

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF OLMSTED**  
**TOWNSHIP, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1:** Whereas the City of Olmsted Falls adopted Resolution 91-2019 being identical as to fact with this Resolution, including any appendices or attachments, there is hereby established a joint recreation district, pursuant to Ohio Revised Code 755.14(C), which shall be known as the Joint Olmsted Recreation District, the boundaries and territory of which shall be the boundaries and territory of Olmsted Township and the City of Olmsted Falls.

**SECTION 2:** The Joint Olmsted Recreation District shall have all of those powers enumerated under Ohio Revised Code 755.12-755.18.

**SECTION 3.** The Joint Olmsted Recreation District shall be governed by the Joint Olmsted Recreation District Board of Trustees, which shall consist of seven (7) trustees. The City of Olmsted Falls City Council and Olmsted Township Board of Trustees shall each appoint three (3) individuals residing within the respective appointing subdivision to serve on the Board of Trustees. Vacancies in the offices of the subdivision-appointed members of the Board of Trustees shall be filled by the legislative authority of the subdivision that initially appointed the Trustee. The initial governing document ("Bylaws"), any subsequent amendments and/or modifications to the Bylaws,

or the adoption of any new or substitute Bylaws, must be approved by each political subdivision's respective legislative body.

Each appointing subdivision shall make its initial three (3) appointments to the Joint Olmsted Recreation District Board of Trustees within thirty (30) days from the later of the date of passage of this Resolution by the Olmsted Falls City Council or passage of the Resolution establishing the Joint Olmsted Recreation District by the Olmsted Township Board of Trustees.

Not later than thirty (30) days after the last date of appointment of the initial Trustees by the governmental entities, one (1) at-large trustee residing within the District shall be appointed by a majority vote of the six (6) initial subdivision-appointed members of the Board of Trustees. The residency of the at-large Trustee shall be alternated between the two political subdivisions from term to term. The at-large Trustee shall serve as Chairperson of the Board.

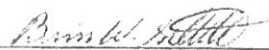
**SECTION 4.** Each Trustee on the Board of Trustees of the Joint Olmsted Recreation District shall be appointed for a three (3) year term, with the exception that the initial terms for members appointed by each subdivision shall be staggered at one (1), two (2) and three (3) years. The at-large Trustee term shall be three (3) years. Each trustee may serve for two (2) consecutive terms.

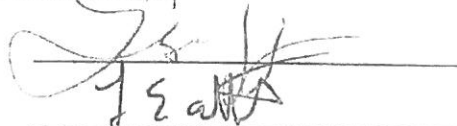
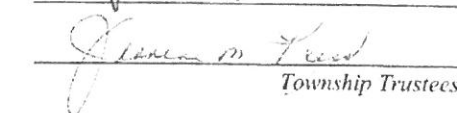
**SECTION 5:** Vacancies of subdivision-appointed members in the District shall be filled by the legislative authority of the subdivision from which the vacating member was appointed. Vacancies of the board-appointed member shall be filled by a majority vote of the Board. The vacancy shall be filled for the length of the unexpired term of the vacating member.

**BE IT FURTHER RESOLVED** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 18<sup>th</sup> day of December, 2019

Attest:

  
Township Fiscal Officer

  
  
Township Trustees

**RESOLUTION NO. 187-2019**  
**A RESOLUTION INDICATING INTENT TO FORM THE JOINT OLMSTED**  
**TOWNSHIP/OLMSTED FALLS RECREATION DISTRICT (JORD)**

*Cuyahoga County, Ohio*

**Be It Resolved** *by the Township Trustees of Olmsted Township that*

**WHEREAS**, Olmsted Township believes that a joint recreation district formed pursuant to Ohio Revised Code 755.14 may be an effective means of (a) providing community programming in recreational, educational, social, cultural and athletic areas, and (b) acquiring property for, constructing, operating and maintain parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic educational or recreational activities for the benefit of all citizens; and

**WHEREAS**, Olmsted Township has determined that it is in the best interest of the residents of Olmsted Township, in conjunction with the City of Olmsted Falls, to establish a joint recreation district, the boundaries of which should be the boundaries of Olmsted Township and the City of Olmsted Falls; and

**WHEREAS**, Olmsted Township believes that it is in the public's interest to obtain board representation on the governing body for such a joint recreation district. Now therefore,

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF OLMSTED TOWNSHIP, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1:** Whereas the City of Olmsted Falls adopted Resolution 91-2019 being identical as to fact with this Resolution, including any appendices or attachments, there is hereby established a joint recreation district, pursuant to Ohio Revised Code 755.14(C), which shall be known as the Joint Olmsted Recreation District, the boundaries and territory of which shall be the boundaries and territory of Olmsted Township and the City of Olmsted Falls.

**SECTION 2:** The Joint Olmsted Recreation District shall have all of those powers enumerated under Ohio Revised Code 755.12-755.18.

**SECTION 3.** The Joint Olmsted Recreation District shall be governed by the Joint Olmsted Recreation District Board of Trustees, which shall consist of seven (7) trustees, The City of Olmsted Falls City Council and Olmsted Township Board of Trustees shall each appoint three (3) individuals residing within the respective appointing subdivision to serve on the Board of Trustees. Vacancies in the offices of the subdivision-appointed members of the Board of Trustees shall be filled by the legislative authority of the subdivision that initially appointed the Trustee. The initial governing document ("Bylaws"), any subsequent amendments and/or modifications to the Bylaws,

or the adoption of any new or substitute Bylaws, must be approved by each political subdivision's respective legislative body.

Each appointing subdivision shall make its initial three (3) appointments to the Joint Olmsted Recreation District Board of Trustees within thirty (30) days from the later of the date of passage of this Resolution by the Olmsted Falls City Council or passage of the Resolution establishing the Joint Olmsted Recreation District by the Olmsted Township Board of Trustees.

Not later than thirty (30) days after the last date of appointment of the initial Trustees by the governmental entities, one (1) at-large trustee residing within the District shall be appointed by a majority vote of the six (6) initial subdivision-appointed members of the Board of Trustees. The residency of the at-large Trustee shall be alternated between the two political subdivisions from term to term. The at-large Trustee shall serve as Chairperson of the Board.

**SECTION 4.** Each Trustee on the Board of Trustees of the Joint Olmsted Recreation District shall be appointed for a three (3) year term, with the exception that the initial terms for members appointed by each subdivision shall be staggered at one (1), two (2) and three (3) years. The at-large Trustee term shall be three (3) years. Each trustee may serve for two (2) consecutive terms.

**SECTION 5:** Vacancies of subdivision-appointed members in the District shall be filled by the legislative authority of the subdivision from which the vacating member was appointed. Vacancies of the board-appointed member shall be filled by a majority vote of the Board. The vacancy shall be filled for the length of the unexpired term of the vacating member.

**BE IT FURTHER RESOLVED** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 18<sup>th</sup> day of December, 2019

Attest:

Brian W. Smith  
Township Fiscal Officer

[Signature]  
J. E. Smith  
[Signature]  
Township Trustees



**RESOLUTION NO. 91-2019 (AMENDED)**

**INTRODUCED BY: MAYOR JAMES GRAVEN AND COUNCIL AS A WHOLE**

**A RESOLUTION TO FORM THE JOINT OLMSTED  
RECREATION DISTRICT AND REPEALING RESOLUTIONS  
14-2019 AND 90-2019 (1<sup>ST</sup> REVISION), AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City of Olmsted Falls believes that a joint recreation district formed pursuant to Ohio Revised Code 755.14 may be an effective means of (a) providing community programming in recreational, educational, social, cultural and athletic areas, and (b) acquiring property for, constructing, operating and maintain parks, playgrounds, play fields, and to preserve and protect real property with valuable natural features as parks and spaces for governmental, civic educational or recreational activities for the benefit of all citizens; and repealing Resolutions 14-2019 and 90-2019 (1<sup>st</sup> Revision) and,

**WHEREAS**, the City of Olmsted Falls has determined that it is in the best interest of the residents of the City of Olmsted Falls, in conjunction with Olmsted Township, to establish a joint recreation district, the boundaries of which should be the boundaries of the City of Olmsted Falls and Olmsted Township; and

**WHEREAS**, the City of Olmsted Falls believes that it is in the public's interest to obtain board representation on the governing body for such a joint recreation district. Now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:**

**SECTION 1.** Contingent upon passage of a consistent resolution by Olmsted Township being identical as to fact with this Resolution, including any appendices or attachments, there is hereby established a joint recreation district, pursuant to Ohio Revised Code 755.14(C), which shall be known as the Joint Olmsted Recreation District, the boundaries and territory of which shall be the boundaries and territory of Olmsted Township and the City of Olmsted Falls.

**SECTION 2.** The Joint Olmsted Recreation District shall have all of those powers enumerated under Ohio Revised Code 755.12-755.18.

**SECTION 3.** The Joint Olmsted Recreation District shall be governed by the Joint Olmsted Recreation District Board of Trustees, which shall consist of seven (7) trustees. The City of Olmsted Falls City Council and Olmsted Township Board of Trustees shall each appoint three (3) individuals residing within the respective appointing subdivision to serve on the Board of Trustees. Vacancies in the offices of the subdivision-appointed members of the Board of Trustees shall be filled by the legislative authority of the subdivision that initially appointed the Trustee. The initial governing document ("Bylaws"), any subsequent amendments and/or modifications to the Bylaws, or the

adoption of any new or substitute Bylaws, must be approved by each political subdivision's respective legislative body.

Each appointing subdivision shall make its initial three (3) appointments to the Joint Olmsted Recreation District Board of Trustees within thirty (30) days from the later of the date of passage of this Resolution by the Olmsted Falls City Council or passage of the Resolution establishing the Joint Olmsted Recreation District by the Olmsted Township Board of Trustees.


Not later than thirty (30) days after the last date of appointment of the initial Trustees by the governmental entities, one (1) at-large trustee residing within the District shall be appointed by a majority vote of the six (6) initial subdivision-appointed members of the Board of Trustees. The residency of the at-large Trustee shall be alternated between the two political subdivisions from term to term. The at-large Trustee shall serve as Chairperson of the Board.

**SECTION 4.** Each Trustee on the Board of Trustees of the Joint Olmsted Recreation District shall be appointed for a three (3) year term, with the exception that the initial terms for members appointed by each subdivision shall be staggered at one (1), two (2) and three (3) years. The at-large Trustee term shall be three (3) years. Each trustee may serve for two (2) consecutive terms.

**SECTION 5.** Vacancies of subdivision-appointed members in the District shall be filled by the legislative authority of the subdivision from which the vacating member was appointed. Vacancies of the board-appointed member shall be filled by a majority vote of the Board. The vacancy shall be filled for the length of the unexpired term of the vacating member.

**SECTION 6.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 7.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the reason that the Joint Olmsted Recreation District must be established at the earliest possible time in order to pursue the acquisition of property. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

  
\_\_\_\_\_  
Paul Stibich, President of Council

PASSED: DECEMBER 17, 2019

APPROVED: James P. Graven  
James P. Graven, Mayor

12-20-2019  
Date

APPROVED AS TO FORM: Andrew D. Bemer  
Andrew D. Bemer, Director of Law

ATTEST: Angela Mancini  
Angela Mancini, Clerk of Council

First Reading: DECEMBER 17, 2019

Second Reading: SUSPENDED

Third Reading: SUSPENDED

POSTING CERTIFICATE OF OLMSTED FALLS  
Angi Mancini, Clerk of Council of the City of  
Olmsted Falls, hereby certify that Res. 91-2019  
was duly posted on the 13 day of DEC, 2019  
and will remain so posted for a period of 15 days after its  
effective date as required by the Charter of the City  
Angi Mancini Clerk of Council

	Yea	Nay
Stibich	<u>✓</u>	___
Munteanu	<u>✓</u>	___
Jones	<u>EXCUSED</u>	___
Gorski	<u>✓</u>	___
Nicolay	<u>✓</u>	___
Duncan	<u>✓</u>	___
Fenrich	<u>EXCUSED</u>	___

I, ANGIE MANCINI, CLERK OF  
COUNCIL OF OLMSTED FALLS, COUNTY OF  
CUYAHOGA, STATE OF OHIO, DO HEREBY  
CERTIFY THAT THE FOREGOING ORD. OR  
RESOL. NO. 91 WAS DULY AND REGULARLY  
ADOPTED BY THIS COUNCIL AT A MEETING  
HELD ON DEC 17, 2019  
Angi Mancini CLERK


Each appointing subdivision shall make its initial three (3) appointments to the Olmsted Joint Recreation District Board of Trustees within thirty (30) days from the later of the date of passage of this Resolution by the Olmsted Falls City Council or passage of the Resolution establishing the Olmsted Joint Recreation District by the Olmsted Township Board of Trustees.

Not later than thirty (30) days after the last date of appointment of the initial Trustees by the governmental entities, one (1) at-large trustee residing within the District shall be appointed by a majority vote of the six (6) initial subdivision-appointed members of the Board of Trustees. A vacancy occurring within the term of the Board-appointed at-large Trustee shall be filled by a vote of the Board. The residency of the at-large Trustee shall be alternated between the two political subdivisions from term to term. The at-large Trustee shall serve as Chairperson of the Board.


**SECTION 4.** Each Trustee on the Board of Trustees of the Joint Recreation District shall be appointed for a three (3) year term, with the exception that the initial terms for members appointed by each subdivision shall be staggered at one (1), two (2) and three (3) years. The at-large Trustee term shall be three (3) years. Each trustee may serve for two (2) consecutive terms.

**SECTION 5.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 6.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the reason that the Olmsted Joint Recreation District must be established at the earliest possible time in order to pursue the acquisition of property. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

  
Paul Stibich, President of Council

PASSED: NOVEMBER 12, 2019

APPROVED:   
James P. Gruen, Mayor

11-13-19  
Date



APPROVED AS TO FORM: \_\_\_\_\_

Andrew D. Bemer  
Andrew D. Bemer, Director of Law

ATTEST: \_\_\_\_\_

Angela Mancini  
Angela Mancini, Clerk of Council

First Reading: FEBRUARY 12, 2019

Second Reading: FEBRUARY 26, 2019

Third Reading: MARCH 12, 2019

TABLED ON THIRD READING  
7 AYES; 0 NAYS (3-12-19)

REMOVED FROM TABLE - 11-12-19  
6 AYES; 0 NAYS

AMENDED BY SUBSTITUTION  
11-12-19 → 6 AYES; 0 NAYS

**POSTING CERTIFICATE OF OLMSTED FALLS**

Angi Mancini, Clerk of Council of the City of  
Olmsted Falls, hereby certify that Res/Ord 14-2019  
was duly posted on the 8 day of FEB, 2019  
and will remain so posted for a period of 15 days after its  
effective date as required by the Charter of the City  
A. Mancini Clerk of Council

	Yea	Nay
Stibich	<input checked="" type="checkbox"/>	_____
Jones	<input checked="" type="checkbox"/>	_____
Munteanu	<input checked="" type="checkbox"/>	_____
Gorski	<input checked="" type="checkbox"/>	_____
Nicolay	<u>EXCLUDED</u>	_____
Duncan	<input checked="" type="checkbox"/>	_____
Fenrich	<input checked="" type="checkbox"/>	_____

I, ANGI MANCINI, CLERK OF  
COUNCIL OF OLMSTED FALLS, COUNTY OF  
CUYAHOGA, STATE OF OHIO, DO HEREBY  
CERTIFY THAT THE FOREGOING ORD. OR  
RESOL. NO. 14 WAS DULY AND REGULARLY  
ADOPTED BY THIS COUNCIL AT A MEETING  
HELD ON MAR 12 2019  
Angela Mancini CLERK

