

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:

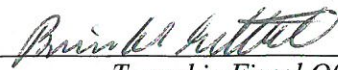
- A. The initial cost outlay for any organizational costs including the expenses of the Cuyahoga County Board of Elections for ballot issues, as well as any legal costs, shall be fully assumed by the Olmsted Township Board of Trustees, together with any private funding. The funds of the JORD shall be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

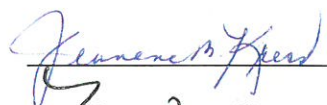
Whereas, the Board of Trustees is unable to reconcile a joint recreation district with the requirement expressed in Section VIII Financial Affairs; the decision to impose all costs on the Olmsted Township, its residents and taxpayers as a condition of approval supersedes the authority of one government 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 13th 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 13th 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 (7th) 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 1st and end December 31st 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

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.

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 (1ST 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 (1st 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: CECIL 17, 2019

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

12 20 2019
Date

APPROVED AS TO FORM: *A. 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 certifies that Res. Ord. 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>	

ANGI 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

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 18th day of December, 2019

Attest:

Brian W. Little
Township Fiscal Officer

[Signature]
[Signature]
Township Trustees