

Outstanding Checks and Voiding Checks

Conclusion-I agree that the voided checks were not listed in minutes as having been voided.

Check 1734 4/17/13	Voided lost check to Apex and stop payment was ordered 5/20/13
Check 1743 4/17/13	\$120 to Apex for lamp posts delivered still outstanding
Check 1736 4/17/13	\$250 Chesterland News for park bench ad is still outstanding
Check 1802 7/2/13	Void check to Lance Yandell for Bremec

Sunshine Law Concerns

Issues 1 & 2-January 2013 meeting: Commissioners Yandell and Weiss with park arborist, Dave Allen at Arabica Coffee House in Chester and August 9, 2012 minutes reflect a meeting between Commissioners Weiss and Bidwell and contractor DeFranco [sic] at the baseball field regarding renovations

Conclusion-Unfounded

Discussion-The Open Meetings Act requires the park district board of commissioners to take any official action and conduct all discussion and deliberations upon official business only in an open meeting about which advance notice of date, time and location has been given to the public. In the case of special meetings, notice is to be given of the specific topic to be discussed. There are a few exceptions that permit an “executive session” out of the public eye.

“Discussion” has been viewed as the exchange of words, comments, or ideas by the members of a public body.⁹² “Deliberation” has been viewed as the act of weighing and examining reasons for and against a choice.⁹³ Courts have also defined “deliberation” as a thorough discussion of all factors involved, a careful weighing of positive and negative factors, and a cautious consideration of the ramifications of the proposal, while gradually arriving at a

⁹² *Devere v. Miami Univ. Bd. of Trs.*, 12th Dist. No. CA85-05-065 (June 10, 1986).

⁹³ *Springfield Local Sch. Dist. Bd. of Educ. v. Ohio Ass'n of Pub. Sch. Employees*, 106 Ohio App.3d 855, 864 (9th Dist. 1998).

decision⁹⁴ or involving “a decisional analysis, i.e., an exchange of views on the facts in an attempt to reach a decision.”⁹⁵

Thus, the question becomes whether a meeting between a majority of the board of commissioners and another that is not noticed to the public and may not even take place in a public setting is a “meeting” for purposes of the Open Meetings Act.

In the Eleventh Appellate District, which includes Geauga County, the controlling law is found in an opinion authored by Judge Ford. He explained that the Open Meetings Act “is intended to apply to situations where there has been actual formal action taken; to wit, formal *deliberation* concerning the public business.”⁹⁶ If a gathering is strictly of an investigative and information-seeking nature that does not involve actual discussion or deliberation of public business it is not a “meeting” for purposes of the Open Meetings Act.⁹⁷ To date, the Supreme Court of Ohio has not decided the question of whether “investigative and informational” gatherings are or are not “meetings.”

A question-and-answer session between board members and others who were not public officials, such as those meetings with Mr. Allen and Mr. DiFranco are not violative of the Open Meetings Act unless a majority of the board members also entertain a discussion of public business with one another.⁹⁸

I found no evidence that these meeting were anything other than question and answer sessions.

⁹⁴ *Theile v. Harris*, No. C-860103 (1st Dist. 1986).

⁹⁵ *Piekutowski v. South Cent. Ohio Educ. Serv. Ctr. Governing Bd.*, 161 Ohio App.3d 372, 379, 2005-Ohio-2868 (4th Dist.).

⁹⁶ *Holeski v. Lawrence*, 85 Ohio App.3d 824 (11th Dist. 1993).

⁹⁷ *Id.*

⁹⁸ *Cincinnati Enquirer v. Cincinnati Bd. of Educ.*, 192 Ohio App.3d 566, 2011-Ohio-703 (1st Dist.)

Issue 3-Violation of R.C. 121.22(F)-The commissioners changed their meeting date to the first Thursday of each month at the April 2, 2012 meeting and violated the rule at least 17 times from May, 2012 through December, 2013.

Conclusion-Unfounded

Discussion-R.C. 121.22(F) requires the public body to establish by rule a reasonable method by which the public may determine the time and place of all regularly scheduled meetings, and the time, place and purpose of all special meetings. All R.C. 121.22(F) requires is a rule⁹⁹, and the district has such a rule in its by-laws.

The park district by-laws provide regular meetings of the board are to be held at the Chester Town Hall at least once a month. A special or emergency meeting may be called by the Chair or by a majority of the commissioners. Written notice of the regular or special meetings are to be given by the Secretary of the Board to the commissioners by regular mail at least twenty-four hours in advance, and no written notice is required for an emergency meeting.

There is to be a schedule of the regular meetings, noting date, time and place, posted on a bulletin board in a public area within the Chester Town Hall. This posting requirement also applies to notices of any special meeting. No special meeting may be held without at least twenty-four hour notice being given to the news media who have requested, except in the event of an emergency meeting.

In the event of an emergency meeting the board member (s) calling the meeting shall immediately notify the news media which have request notification of the time, place and purpose of the meeting. If a meeting is to be cancelled or changed, the board is to make "every reasonable effort," including newspaper notice to all interested parties. Members of the news media or persons who have requested direct notification shall be notified individually of the change "as soon as possible."

⁹⁹ *Doran v. Northmont Board of Ed.*, 2nd Dist. Montgomery No. 19956, 2003 WL 23011464 (December, 24, 2003).

To request this direct notification of a meeting and/or the agenda, one must send a written request and provide the board with a self-addressed, stamped envelope. If there is a special or emergency meeting, then the board is to make a "reasonable effort" to notify the person or persons by phone.

The district has not complied with the requirement of holding its meetings at the Town Hall for sometime. For the most part, it has complied with posting individual meeting notices or regular and special meetings on the bulletin board at Town Hall and on a board at Parkside. But that being said, the frequency of changes in dates and locations over the past few years is not good practice. Notices have not been regularly posted on the district's website, and over the years of minutes reviewed I have found that there were some meeting without formal agendas

It was explained that meetings are now held at the fire rescue station instead of Chester Town Hall because of issues of access, the security alarm, and space. Meetings for some time were not held at one regular location. They were held at the West Geauga Public Library, the Chester Fire Rescue Station and even at Arabica Coffee House.

Recommendation- Given the resolution to hold meetings on the first Thursday of each month, a list of the meeting dates for the year should be determined at the beginning of each year and then posted. It would be prudent to schedule meetings on a day that does not conflict with other township boards' meetings.

Issue 4-Meeting dates in the minutes frequently are changed to another date.

Conclusion-Agreed.

Discussion and Recommendation-See preceding issue.

Issue 5-Failure to comply with R.C. 121.22(F) requiring the purpose of special meetings to be stated

Conclusion- I agree that there has been incomplete compliance with this requirement, as demonstrated by the chart below.

Discussion-R.C. 121.22(F) defines each type of meeting and the notice required.

“Regular meetings” are those held at prescheduled intervals.

“Special meeting” is any meeting other than a regular meeting and requires at least 24 hours advance notification of special meetings to all media outlets that have requested such notification, unless there is an emergency requiring immediate official action. If a special meeting is called to discuss particular issues, the statement of the meeting’s purpose must specifically indicate those issues, and the public body may only discuss those specified issues at that meeting. If the special meeting is really a rescheduled “regular” meeting, the statement of the meeting’s purpose may be for “general purposes.” The discussion in these meeting cannot go beyond the stated purpose.

“Emergency meeting” is a type of special meeting. 24-hours advance notice is not required, but the body must immediately notify all media outlets that have specifically requested such notice of the time, place, and purpose of the emergency meeting. The purpose statement requirement is the same as that for special meetings.

7/10/11 notice	Given to notify of a change in the budget planning special meeting date from 7/11/11 to 7/14/11 No minutes of the 7/14/11 meeting located
No notice found	12/2/11 Emergency Meeting held apparent purpose was to buy more holiday lighting
7/6/12 notice	Given to notify of a special meeting-budget hearing meeting on 7/12/12. There is an agenda attached which lists other items in addition to the budget
9/4/12 notice	Given to notify of an emergency meeting for 9/5/12 (no stated purpose) No agenda attached. Five items were discussed; two contracts were approved; checks were approved

4/9/13 notice	Given of a special meeting for 4/13/13 (no stated purpose) and no minutes
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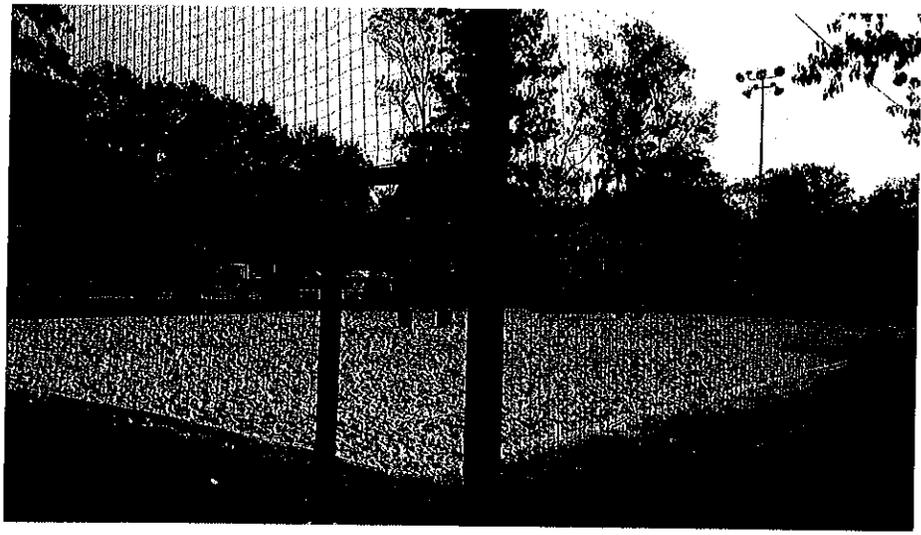
Recommendation-The park district should develop a set of standardize forms and procedure for giving public notices. The last set in recently discovered manual was last revised in 1998 and is out of date.

Issue 6-Failure to comply with R.C. 121.66(F) requiring advance notice of meetings to be given to any person requesting it

Conclusion-I agree with this in part, only because the recently discovered procedure manual lists two media outlets, The News-Herald and The Plain Dealer, with named contacts. I cannot locate any record of any individual or media outlet sending in a request for prior notification and the administrative assistant has no such correspondence.

Perceived Noncompliance with the 2/25/93 agreement between the Chester Township Board of Commissioners and the Chester Township Park District

Issue 1-Failure to obtain prior written approval from the Chester Township Board of Trustees prior to constructing or altering any permanent improvement and failure to submit plans and specifications at least 60 days before construction commences.





Conclusion-Unfounded

Discussion-The reviewer does not identify any specific permanent improvement. I will analyze three major projects completed at the Parkside location within the past few years- the volleyball court; the pavilion by the volleyball court on the east side of the park and the playground on the west side of the park.

For this discussion I will use the definition of the term, "permanent improvement" found in Ch. 5705:

"Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more."¹⁰⁰

This provision, which is paragraph four of the 1993 Agreement is essential to ensure compliance with the township zoning resolution.

¹⁰⁰ R.C. 5705.01

Plans for the volleyball court on the east side of the park were submitted to the township and the county for approval,¹⁰¹ and they were initially made a part of the ODNR grant application.¹⁰²

The pavilion constructed to the east of the ball field falls within this definition, and the project is not in violation of the Agreement inasmuch as the Chester Township Board of Trustees initiated the project, supplied drawings to the park district, and submitted the application for the Ohio Department of Natural Resources Nature Works grant to build the structure.¹⁰³

The playground constructed to the west of the ball field also falls within this definition of a permanent improvement, but I find the provision was not violated by the project either. At the August 23, 2013 township trustees meeting plans and the contract for the playground installation were presented to the township trustees with the funding request by Commissioner Weiss. A resolution funding the project in the amount of \$24,650 was approved by the township trustees.

Issue 2-Failure to comply with Section 8 of the Agreement

Conclusion-Unfounded in part. I do agree that the fiscal officer certification provision has not been done.

Section 8 provides, "The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be in withheld by the Township until it receives certification from the fiscal officer of the Park District

¹⁰¹ See Meeting Minutes, Chester Township Park District, 3/7/11.

¹⁰² Exhibit P-see last two pages of the exhibit, "NatureWorks Application Adjustment Form."

¹⁰³ Exhibit P-ODNR Letter dated 12/22/11 to Trustee Joyce regarding grant applied for by the Chester Township Board of Trustees and Exhibit Q-email dated 4/3/12 from Trustee Joyce to Commissioner Weiss regarding drawings

that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.”¹⁰⁴

This is a curious section. One may speculate this provision was inserted to avoid mechanics' liens resulting from non-payment; however, inasmuch as Ohio law prohibits a sale or seizure upon execution of public property, a mechanics' lien against public works attaches not to the property itself but only to a fund.¹⁰⁵ Thus, it follows that if the park district entered into a contract to build an improvement without having the funds to pay for the contract, the contractor/creditor would have a lien against the park district funds, not against the real property owned by Chester Township. If there can be no lien against the parklands by operation of law, then there is no need to seek prior written approval for improvement contracts.

The certification process by the fiscal officer is necessary, as discussed previously to assure there are sufficient funds to pay the expenditures and thus avoid any liens of the funds.

Recommendation-The park district should assure that its records adequately document that plans, specifications and contracts for any future major projects constituting permanent improvements on township lands have been delivered to the township trustees and that the township trustees approve same. I have already made recommendations regarding the certification process.

Perceived Noncompliance by the Board of Park Commissioners with their By Laws

The six issues raised under this section of the “Review” have already been thoroughly addressed in earlier sections.

¹⁰⁴ Certification of funds

¹⁰⁵ *Talco Capital Corp. v. Commn.*, 41 Ohio App.2d 171, 174. (1974).

Conclusion



The NDCL Volleyball Team at practice

Oversight of park districts has been entrusted to the probate court because so many parks began with a gift of property to the public upon someone's death with instruction that the property remain a park in perpetuity. Parks enhance the quality of life in a community. Parks have been the subject of poetry-- "Think of our life in nature, — daily to be shown matter, to come in contact with it, — rocks, trees, wind on our cheeks!"¹⁰⁶ Parks have been championed by great leaders—"The lack of power to take joy in outdoor nature is as real a misfortune as the lack of power to take joy in books."¹⁰⁷

Despite the current controversies surrounding the park lands in Chester Township, it is clear that the people of Chester Township are proud of the park's development, and they want to see their park maintained properly, always with an eye on fiscal responsibility.

¹⁰⁶ Henry David Thoreau

¹⁰⁷ Theodore Roosevelt

I have found that all stakeholders subscribe to this goal, and I stand ready to assist the court and the Chester Township Park District to implement the recommendations in this report.

Respectfully submitted,

Dated: 7/28/14

/s/ Mary Jane Trapp
MARY JANE TRAPP, Master Commissioner

EXHIBIT A

Chester Township Park District 2013 Review

Overview of Park District Financial History

Park expenditures for 2012 and 2013 totaled \$318,665 according to records submitted by the park commissioners to the Geauga County Auditor (\$139,965 in 2012 and \$178,699 in 2013). Refer to attachment number 1 for a summary of historical expenditures and revenues.

Recent Significant Vendor Payments

A review of the park commission's expenditures for 2012 and 2013 reveal the following significant expenditures to vendors/suppliers/contractors (refer to attachment 2):

1. The park commissioners paid Play & Park Structures a total of \$64,734 for playground equipment and benches during 2012 and 2013. Meeting minutes make no mention of obtaining other quotes from vendors for the purchase/ installation of similar playground equipment.
2. The park commissioners paid H&M Landscape a total of \$40,622 during 2012 and 2013.
3. The park commissioners paid DiFranco Landscaping \$26,080 during 2012 and 2013. \$23,600 was for the infield renovation. The park commissioners obtained only one single contractor quote for this work.
4. Electrical contractor payments during 2012 and 2013 have been significant. Peerless Electric has been paid \$36,996 over the period; Chesterland Electric was paid \$9,509 in 2013, Hi Lite Maintenance was paid \$3,065 in 2013 and ElectoLite was paid \$2,841 in 2013. Electrical contractor costs in the two-year period totaled \$52,411.
5. Tree work and arborist charges during 2012 and 2013 were as follows: Inspeyered tree service was paid \$5,760, The Pruning Company was paid \$4,815 and Apex Land Management was paid \$1,690 for a total two-year period expenditure of \$12,265.

Recent Commissioner Actions Resulting in Increased Spending

1. Prior to 2013, Bart Alcorn was hired to regularly drag the ball field infield. Mr. Alcorn was paid \$650 for the work in 2012. In 2013, the park commissioners decided to hire DiFranco Landscaping to drag the infield. DiFranco Landscaping was paid \$2,480 for the work.
2. On February 8, 2011 the park commissioners hired Dave Allen of The Pruning Company to be the park's resident arborist consultant. He was paid \$2,500 in 2011, \$1,065 in 2012 and \$3,750 in 2013 resulting in a three-year total of \$7,315.
3. In 2013 the park commissioners hired Land & Site Contractor Service to mow the park grass and perform janitorial service at the restroom one day per week for the period April 1 through November 30. They also hired a company called Professional House Cleaning Service to clean the restrooms a minimum of two additional days per week at \$45 per day. Road department personnel did this work previously. In 2013 Land & Site Contractor was paid \$16,493 and Professional House Cleaning Service was paid \$2,742.30.
4. On June 28, 2012 the park commissioners approved entering into an agreement with Peerless Electric to perform monthly inspections of the entire park electrical conditions and to provide a typed report to the commissioners on their findings. The commissioners agreed to pay them \$110 per month for the period April through December.
5. Secretarial costs in 2011 were \$2,710. Secretarial costs in 2013 were \$4,422, a 61% increase from 2011. The commissioners February 20, 2014 request to the Chester Township board of

trustees for 2014 funding shows proposed secretary costs at \$3,600 with a note saying "same as last year (Refer to attachment 7). Payments to Margaret Vitale in 2013 were \$4,422.

Deviations from 2013 Stated Park Projects

1. At the regular Chester Township trustee meeting held on February 7, 2013, the park commissioners presented their list of 2013 park projects and cost estimates. The total projected expenditure was \$128,500. The following chart identifies deviations from their proposed plan.

Project Name	Estimated Cost (as proposed 2/7/13)	2013 Payments	Comments regarding 2013 payments and work performed
Playground completion	\$25,000	\$35,296	
Ball field renovation (outfield)	\$25,000	0	Not done
Pavillion repair-horseshoe pit area	\$6,000	0	Not done, except gutter work for \$300- \$500
Maintenance	\$18,000	\$40,614	\$2,480 for DiFranco dragging, \$2,841 for ElectoLite plus \$5,207 for Peerless plus \$2135 for Freshley plus \$3065 for Hi Lite plus \$1,100 for bench painting plus \$16,493 for Land & Site plus \$2,742 for restroom cleaning plus \$3,750 for The Pruning Company plus \$801 for Turneys
Not listed in 2013 plan	0	\$3,963	Park signs- by All-ways Flasher for \$963 and \$3,000 to Guthrie Designworks
Not listed in 2013 plan	0	\$5,311	Park benches
Not listed in 2013 plan	0	\$3548	Drainage trench along walkway
Not listed in 2013 plan	0	\$1585	Perennial garden renovation by H&M
Holiday lighting	\$5,500	\$7,400	\$3000 to Rotary plus \$4400 to Peerless for temp lighting and cords
Parking lot expansion and horseshoe driveway gravel -new pavillion and Lighting walkway area and park and electric relocation expense	\$21,000	\$24,093	\$6,299 for gravel plus \$3,500 for Podogil Excavating plus \$1500 to H&M for stone boundary wall replacement plus \$585 to H&M to add top soil and mulch plus \$9,509 to Chesterland Electric plus \$646 for Costco lamps plus \$2,054 to Lance Yandell for lamps and Costco membership. NOTE: only 6 of the lamp posts were installed in 2013. NOTE--10 more to go.
Not listed in 2013 plan	0	\$620	Patio stones for Fire Department patio
Not listed in 2013 plan	0	\$400	Garden design by Mary Slingluff
Not listed in 2013 plan	0	\$1,690	Apex planting trees and stump grinding
Staining/painting (labor/mat'ls)	\$17,000	\$16,809	\$12,080 to M.A.L. plus \$4,729 to Sherwin Williams
Gutters & downspouts-new pavillion	\$300	\$835	Gutters by H&K for new pavillion and gazebo

Project Name	Estimated cost (as proposed 2/17/13)	2013 Payments	Comments regarding 2013 payments and work performed
Horseshoe pit repairs	\$1,000	\$1,000	\$335 for backstop and \$665 for shed
Perennial Gardeners	\$1,000	\$500	Donation
Hanging flower baskets	\$1,000	\$3,298	Bremec at \$2,048 and Sal Charillo at \$1,250
Park banners	\$2,400	\$1,344	
Barbeque grills	\$1,300	0	Not done
Flag pole	\$4,000	\$2,291	
Not listed in 2013 plan	0	\$250	Pavement markings
Not listed in 2013 plan	0	\$874	Chesterland News Ads
Not listed in 2013 plan	0	\$754	Custom Logos work ?
Not listed in 2013 plan	0	\$939	Mulberry Creek Greenhouse?
Not listed in 2013 plan	0	\$550	Western Reserve Graphics?
Total projected 2013 project expenditures	\$128,500	\$153,964	Project/maintenance actual spending was 20% over estimate.

Potential Ohio Revised Code Issues

1. It appears that according to ORC 1545.22(B)(1) and (2), the park commissioners have no authority to negotiate checks for goods and services, as is their current practice. The regulation names the Geauga County Treasurer as the custodian of the funds of the park district. It requires that the Geauga County Treasurer pay funds out upon a warrant from the Geauga County Auditor. It further states that "...no contract of the board involving the expenditure of money shall become effective until the auditor certifies that there are funds of the board in the custody of the county treasurer and otherwise unappropriated sufficient to provide therefor. The auditor shall draw warrants on the treasurer to disburse the funds of the board upon order of the board, evidenced by the certificate of its secretary." It would appear that the approximately \$180,000 worth of checks signed and issued by the park commissioners in 2013 violate this provision of Ohio law.
2. ORC 5705.45 describes liability for wrongful payments from public funds. It states that any officer or employee who expends or authorizes expenditures of public funds contrary to the ORC shall be liable to the political subdivision for the full amount paid.
3. Contrary to Ohio law, actual expenditures exceeded appropriation authority for the year ending 12/31/13. ORC 5705.41(B). 2013 expenditures were \$178,699. Amendment 1 of the Certificate of Estimated Resources dated 2/19/13 was \$127,305. It appears that the park commissioners exceeded their legal spending authority by \$51,394 in 2013.
4. Contrary to Ohio law, it appears that the park commissioners did not require the certification of available funds before it incurred an obligation. ORC 5705.41(D)(1) states that no subdivision shall make any contract or give any order involving expenditure of money unless there is attached thereto a certificate of the fiscal officer stating that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in process of being collected. The section also states that every

- contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due.
5. Contrary to Ohio law, the park commissioners did not pass an annual appropriation measure on or about the first day of each fiscal year. ORC 5705.38(A).
 6. The record of proceedings is the official record taken by the park commissioners and should reflect all pertinent information approved by the commissioners. The 2013 minutes did not reflect the acceptance of approximately \$10,000 in donations nor did it document the authorization of many of the expenditures that exceeded an individual commissioners authorization of \$1,000.
 7. Determine whether ORC 9.38 applies to revenue received in by the park commissioners. ORC 9.38 regulates the timely deposit of public moneys. In summary, it requires public moneys to be deposited into the public office's designated depository on the business day next following the day of receipt, unless the public office adopts a policy permitting a different time period, not to exceed three business days next following the day of receipt -- provided that the moneys are safeguarded until such time that they are deposited. Park commissioner meeting minutes of 7/31/13 indicate that the WG Kiwanis donated \$250. Verify when this money was received and deposited. Also verify whether the other approximately \$10,000 in donations were deposited in accordance with applicable Ohio law.
 8. ORC 117.38 requires each public office to file a financial report to the Ohio Auditor of State's office for each fiscal year. Newspaper notice is also required when the report is filed. Penalties exist for financial reports not filed or filed late. Determine whether the park district has filed the required report and provided public notice.
 9. ORC 5705.30 requires public notice and public hearings prior to adopting the annual budget. Verify whether this requirement applies to the park commission and whether it has complied with this requirement.

Financial Discrepancies

1. Park commissioner Joe Weiss told the Chester trustees during a meeting on 2/20/14 that the 2014 carry over balance for the park district was around \$4,800. The carry over according to the 2014 beginning balances submitted by the park commissioners to the county auditor's office on 2/21/14 was \$11,580. Mr. Weiss signed the document on 2/19/14. See attachment 3. The listing of 2014 park revenues and expenditures is missing the carry over balance in its arithmetic.
2. The listing of 2013 donations to the park district that was provided by the park district shows total donations of \$10,150 (see attachment 4). The accounting submitted to the county for the same period lists interest/misc revenue at \$9,652.79. An approximate \$500 discrepancy exists.
3. The 2014 beginning balances submitted by the park commissioners to the Geauga county auditor show a 2013 receipts at \$174,680.87. The bank statements show deposits of \$174, 803.07, a discrepancy of \$122.20.
4. On 12/19/13, the park commissions passed a motion to hire M.A.L. Enterprises for \$3,275 to paint the gazebo. This amount was not shown as encumbered in the 2014 beginning balances approved and submitted by the park commissioners to the Geauga County Auditor.
5. Five checks issued by the park commissioners in 2012 that totaled \$11,847.87 were never mentioned as approved for payment in their meeting minutes (check numbers 1670, 1671, 1672, 1673 and 1674). There is no record of these checks in the meeting minutes-\$3,360 was issued to Inspeyered Tree Service and \$8,134.50 was issued to Peerless Electric.

Specifics- Apparent Overage of Spending Authority

On 1/24/13, a motion was approved to authorize an individual park commissioner to "expend up to \$1,000 for work to be done at the park". The following checks appear to have been paid that exceeded the individual authorization of \$1,000 and had no prior board approval in the meeting minutes:

1. \$2,054.88 to Lance Yandell, check 1711 dated 2/1/13
2. \$2,841.65 to ElectroLite, check 1737 dated 4/17/13
3. On 4/17/13 the commissioners approved \$15,495 to Land & Site Contractor for lawn care from April 1 - November 30. A total of nine checks were issued to them between the period 5/6/13 and 1/23/14. The checks totaled \$18,429.96. The approved dollar amount was exceeded by \$2,934.96.
4. \$5,779.52 to Deepwoods Trucking, check 1765 dated 5/16/13
5. \$3,065.00 to Hi Lite Maintenance, check 1755 dated 5/6/13
6. \$3,337.70 to Sherwin Williams, check 1770 dated 5/16/13
7. \$1,354.61 to Sherwin Williams, check 1741 dated 4/17/13
8. \$2,655.74 to Play & Park Structures, check 1803 dated 7/2/13
9. \$2,655.74 to Play & Park Structures, check 1821 dated 8/22/13
10. \$3,750 to Chesterland Electric, check 1787 dated 6/13/13
11. \$1,237.50 to The Pruning Company, check 1728 dated 3/21/13
12. \$1,252.50 to The Pruning Company, check 1769 dated 5/16/13
13. \$1,450 to Peerless Electric, check 1713 dated 2/7/13
14. \$1,450 to Peerless Electric, check 1723 dated 3/13/13
15. On 2/27/13 the commissioners approved \$2,500 to Podogil Excavating. \$3,500 was paid by check 1759 dated 5/6/13. The approved dollar amount was exceeded by \$1,000.
16. On 2/27/13 the commissioners approved \$8,580 to M.A.L. Enterprises and another \$1,970 was additionally approved on 4/17/13. Total authorized was \$10,550. Payments made to M.A.L. in 2013 were \$12,080.00. The approved dollar amount was exceeded by \$1,530.
17. \$1,560.00 to H&M Landscape, check 1754 dated 5/6/13

Specifics- Apparent Expenditure of Public Funds Outside the Authority of the Park District Jurisdiction

In the following instances the park commissions made payments to contractors and vendors for goods and services that were beyond the boundary of Parkside Park:

1. Check 1751 for \$620.60 to American Rail Road Tie for patio stones at the Chester Fire Department
2. Three checks to Sal Charlillo for a total of \$1,250 for relocating flower baskets along SR 322 and SR 306 and within Parkside Park
3. ?? for landscaping services to the town hall and fire station
4. ?? to install a patio and landscaping behind the fire station

Specifics- Checks Cashed Prior to Park Commissioner Approval

In the following instances, checks were cashed BEFORE the meeting was held that the commissioners approved to pay the invoices as vouchered:

1. Check 1711 to Lance Yandell for \$2,054.88-commissioners approved on 2/27/13 and check was cashed on 2/8/13
2. Check 1758 to Play & Park Structures for \$35,296.65-commissioners approved on 5/16/13 and check was cashed on 5/10/13
3. Check 1755 to Hi Lite Maintenance for \$3,065-commissioners approved on 5/16/13 and check was cashed on 5/9/13
4. Check 1760 to DiFranco Landscaping for \$2,360-commissioners approved on 5/16/13 and check was cashed on 5/9/13
5. Check 1846 to DiFranco Landscaping for \$2,480-commissioners approved on 11/13/13 and check was cashed on 11/6/13
6. Check 1733 to M.A.L. Enterprises for \$3,780-commissioners approved on 4/17/13 and check was cashed on 4/11/13
7. Check 1757 to M.A.L. Enterprises for \$1,300-commissioners approved on 5/16/13 and check was cashed on 5/9/13
8. Check 1759 to Podogil Excavating for \$3,500-commissioners approved on 5/16/13 and check was cashed on 5/10/13
9. Check 1713 to Peerless Electric for \$1,450-commissioners approved on 2/27/13 and check was cashed on 2/13/13
10. Check 1749 to Peerless Electric for \$900-commissioners approved on 5/16/13 and check was cashed on 5/7/13
11. Check 1807 to Peerless Electric for \$767.50-commissioners approved on 7/31/13 and check was cashed on 7/15/13
12. Check 1842 to Peerless Electric for \$1,395-commissioners approved on 11/13/13 and check was cashed on 10/1/13
13. Check 1754 to H&M Landscape for \$1,560-commissioners approved on 5/16/13 and check was cashed on 5/7/13
14. Check 1841 to Chesterland News for \$412.50-commissioners approved on 11/13/13 and check was cashed on 10/4/13
15. Check 1783 to Costco for \$646.47-commissioners approved on 6/19/13 and check was cashed on 5/28/13
16. Check 1750 to H&K Gutter for \$835.00-commissioners approved on 5/16/13 and check was cashed on 5/7/13
17. Check 1806 to Illuminating Company for \$820.70-commissioners approved on 7/31/13 and check was cashed on 7/16/13
18. Check 1756 to Land & Site Contractor for \$1,936.87-commissioners approved on 5/16/13 and check was cashed on 5/8/13
19. Check 1843 to Playground World for \$200-commissioners approved on 11/13/13 and check was cashed on 10/4/13
20. Check 1808 to Professional House Cleaning Service for \$569.97-commissioners approved on 7/31/13 and check was cashed on 7/10/13
21. Check 1844 to Professional House Cleaning Service for \$360-commissioners approved on 11/13/13 and check was cashed on 10/2/13
22. Check 1784 to Sal Charlillo for \$1,000-commissioners approved on 6/19/13 and check was cashed on 6/6/13
23. Check 1722 to the Flag Store for \$1,291.48-commissioners approved on 5/16/13 and check was cashed on 5/9/13

Specifics- Questionable Signatory Authority

1. Check 1834 to Land & Site for \$1,936.87 was cashed on 9/16/13 absent any park commissioner signature(s) on the check.
2. In the following instances, checks were signed by only one commissioner- Joe Weiss. The second signature was Margaret Vitale, the secretary:
 - a. Check 1748 to All-Ways Flashers Services
 - b. Check 1781 to Apex Land Management
 - c. Check 1806 to the Illuminating Company
 - d. Check 1807 to Peerless Electric
 - e. Check 1780 to Professional House Cleaning Service
 - f. Check 1808 to Professional House Cleaning Service
 - g. Check 1818 to Professional House Cleaning Service
 - h. Check 1784 to Sal Charillo

Specifics- Check Amount/Payee Discrepancies

In the following instances, there is a discrepancy between the vouchered check listing in the meeting minutes and the checks shown on the bank statement(s):

1. 6/19/13 meeting minutes indicate that check 1797 was to KT Custom Logos for \$538.99, while the bank statement shows that check issued to Peggy Vitale for \$682.17
2. 6/19/13 meeting minutes indicate that check 1788 was to Chesterland News for \$250, while the bank statement shows the amount to be \$400
3. 6/19/13 meeting minutes indicate that check 1796 was to Ruth Chapman for \$100, while the bank statement shows that check issued to KT Custom Logos for \$538.99
4. 7/31/13 meeting minutes indicate that check 1812 was to Sal Charillo for \$291.00, while the bank statement shows that check issued to Chesterland Electric for \$291.18
5. 12/19/13 meeting minutes indicate that check 1857 was to Chesterland News for \$45.62, while the bank statement shows that check issued to All-Ways Flasher for \$45.62
6. 6/19/13 meeting minutes indicate that check 1798 was to Margaret Vitale for \$682.17, while the bank statement shows that check issued to Mulberry Creek Greenhouse for \$335.

Miscellaneous Questions & Concerns**A. Property Disposition**

1. At their 4/13/13 meeting, the commissioners approved \$1,200 to Guthrie Designworks for two more park signs. Check number 1766 to Guthrie Designworks for \$1,200 was cashed on 5/21/13. To date, the signs have not been installed—where are they?
2. Determine what, if any, ORC requirements regulate the park commissioner's of property and verify compliance. (Township trustees are regulated under ORC 505.10). Where is the old flag pole that was at the corner of SR 322 and SR 306?

B. Bonding

1. In accordance with ORC 1545.05, verify that the park commissioners are bonded for \$5,000 and that their bonds have been approved by and filed with the county auditor.
2. Verify that park commissioner Lance Yandell's bond is still active given that a personal income tax lien of approximately \$5,000 was filed against him on 1/7/14 by the Department of Taxation.

C. Payroll

1. Payroll withholdings are not being withheld from park commissioner secretary, Margaret Vitale's, wages. Determine whether they should be.
2. PERS is not being paid for park commissioner secretary, Margaret Vitale. Determine whether it should be.

D. Outstanding Checks and Voiding Checks

1. Four checks written in 2013 were never cashed (1734, 1743, 1736, 1802). The meeting minutes of the commissioners fail to identify check numbers for any voided checks.

Sunshine Law Concerns

1. Park Commissioners Lance Yandell and Joe Weiss held a business meeting with Dave Allen, the arborist consultant, at the Arabica Coffee House in January 2013. The meeting was not noticed and meeting minutes were not prepared in accordance with the Open Meetings Act.
2. The August 9, 2012 Park District meeting minutes state that park commissioners Joe Weiss and Todd Bidwell met with contractor Eugene DeFranco at the baseball field to discuss the necessary renovation. The meeting was not noticed and meeting minutes were not prepared in accordance with the Open Meetings Act.
3. The park commissioners have failed to comply with ORC 121.22F which requires every public body to, by rule, establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. According to the 4/2/12 park commissioner meeting minutes, regular meeting dates were stated to be the 1st Thursday of every month. From May 2012 through December 2013, they violated their rule at least 17 times.
4. The park commission, either intentionally or unintentionally, has made it nearly impossible for a citizen to know when their next regular meeting is planned to occur. Their 1/3/13 meeting minutes states that upcoming regular meetings are scheduled for 2/7/13 and 3/7/13. There were no meetings held on these dates. Instead they were held on 2/27/13 and 3/21/13. Their 1/24/13 meeting minutes state that their next regular meeting was to be held on 2/21/13. There was no meeting on 2/21/13. Their 2/27/13 meeting minutes state that their next regular scheduled meeting was to be on April 18. The next meeting was held on 3/21/13 and the subsequent meeting was on 4/17/13. Their 5/16/13 meeting minutes state that their next regular meeting was to be held on 6/13/13. This meeting ended up occurring on 6/19/13. Their 7/2/13 meeting minutes state that their next regularly scheduled meeting was to be held on 8/15/13. It was actually held on 7/31/13. Their 8/22/13 meeting minutes state that their next regular meeting was to be held on 9/19/13. It was held instead on 9/12/13. Their 12/19/13 meeting minutes state that their next regularly scheduled meeting was to be held on 1/16/14. Instead it was held on 1/23/14.
5. The park commissioners have failed to comply with ORC 121.22F which requires the purpose of all special meetings to be stated.
6. The park commissioners have failed to comply with ORC 121.22F which requires that advance meeting notice be given to any person requesting such notice.

Perceived Noncompliance with the Agreement between the Chester Township Board of Trustees and the Chester Township Board of Park Commissioners dated February 25, 1993
(see attachment 5)

1. The park commissioners have not complied with the requirements of item 4. This provision requires the park commissioners to obtain prior written approval from the Chester Township board of trustees prior to constructing or altering any permanent improvement. It also requires that plans, specs and drawings be submitted at least 60 days before commencing any such construction.
2. Item 8 states that the park commissioners may not contract for or incur any debts which result or could result in liens on the parks, park lands or permanent improvements without prior written approval of the trustees. It goes on to require that the park district fiscal officer provide the trustees with certification that the commissioners and park district are ~~in compliance with the ORC requirements that prohibit expenditure of money unless it 1)~~ has been properly appropriated; 2) that proper warrants have been drawn; and 3) that the fiscal officer has certified that the amount required to meet the obligation is in the treasury or in the process of being collected, free from encumbrances. This requirement is not being complied with.

Perceived Noncompliance by the Board of Park Commissioners with their By Laws
(see attachment 6)

1. The park commissioners have not complied with the requirements of Article IV Section 4a which states that "no contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Geauga County Auditor certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes."
2. In accordance with Article III Section 1, the commissioners are required to elect one of their members to serve as clerk/secretary. This has not been done. The clerk/secretary is required to keep the meeting records and give meeting notices.
3. Annual meetings have not been held in accordance with Article IV, Section 1.
4. The park commissioners have not complied with the public notice requirements outlined in Article IV, Section 5a.
5. The park commissioners have not complied with the public notice requirements outlined in Article IV, Section 5b.
6. The park commissioners have not complied with the notice requirements outlined in Article IV, Section 5c.

Cherter Park District Historical Financials

A T M A C H I M E N T # 1

	2006 ACTUAL	2007 ACTUAL	2008 ACTUAL	2009 ACTUAL	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 ACTUAL
Cash Balance January 1	\$8,814.68	\$17,597.78	\$15,648.89	\$18,570.28	??	\$4,246.84	\$4,018.68	\$12,375.52
Prior Year Encumbrances	\$9,998.00	\$0.00		\$4,262.00	??	\$0.00	\$0.00	\$0.00

RECEIPTS

Chester Twp	\$30,000.00	\$25,000.00	\$20,000.00	\$28,602.13	??	\$44,000.00	\$130,410.00	\$150,000.00
State/Country	\$16,504.91	\$16,311.08	\$16,445.11	\$16,090.08	??	\$14,466.47	\$15,515.53	\$14,678.08
Donations	\$0.00	\$525.00	\$0.00	\$0.00	??	\$300.00	\$325.00	\$350.00
Fees	\$2,325.00	\$2,050.00	\$1,825.00	\$975.00	??	\$672.53	\$1.03	\$9,652.79
Interest/Misc	\$244.29	\$206.58	\$177.75	\$14.76	??			
Concert Proceeds	\$210.42	\$0.00	\$0.00	\$0.00	??			
TOTAL RECEIPTS	\$49,284.62	\$44,092.66	\$38,447.86	\$45,681.97	??	\$59,439.00	\$146,251.56	\$174,680.87

TOTAL RECEIPTS & BALANCE	\$50,467.94	\$61,690.44	\$54,096.75	\$59,990.25	??	\$63,685.84	\$150,270.24	\$187,056.39
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EXPENDITURES

General	\$9,046.67	\$9,012.41	\$7,893.27	\$16,244.39	??	\$13,166.06	\$9,600.36	\$16,300.43
Personal Services	\$2,331.00	\$2,213.34	\$2,998.04	\$3,119.02	??	\$2,712.05	\$3,357.03	\$4,422.49
Capital Improvements	\$8,147.80	\$30,358.23	\$23,045.84	\$26,078.82	??	\$39,489.80	\$117,833.74	\$119,876.79
Reserve Fund					??			\$3,223.50
Facility/Program Expense					??			
Maintenance	\$13,044.69	\$870.45	\$1,589.32	\$858.58	??	\$1,421.55	\$8,174.30	\$30,876.38
Donations	\$300.00			\$1,000.00	??	\$1,000.00	\$1,000.00	\$4,000.00
Vandalism				\$305.00	??	\$5.50		
Other					??			
TOTAL EXPENDITURES	\$32,870.16	\$42,454.43	\$35,526.47	\$47,605.81	??	\$57,794.96	\$139,965.43	\$178,699.59

CASH BALANCE, December 31st	\$17,597.78	\$19,236.01	\$18,570.28	\$12,384.44	??	\$5,890.88	\$10,304.81	\$8,356.80
Less Encumbrances	\$0.00	\$3,600.00	\$4,262.00 ??		??			\$780.00
plus reserve fund balance								
UNENCUMBERED BAL. Dec 31st	\$17,597.78	\$15,636.01	\$14,308.28 ??		??		\$2,070.71	\$3,223.50
							\$12,375.52	

Bank Statement should be reconciled by 12/31/2013. If minus \$ 80 for encumbered items and 1 year unencumbered balance should be \$14,709.90

2012 and 2013 Park Board Expenditures by Vendor

2012 Amount 2013 Amount Vendor Paid

Total for 2012 and 2013

\$24,126.18	\$40,608.13	Play & Park Structures Total	\$64,734.31
\$35,397.82	\$5,225.00	H&M Landscape Total	\$40,622.82
\$27,389.00	\$9,607.50	Peerless Electric Total	\$36,996.50
\$21,240.00	\$4,840.00	Difranco Landscaping Total	\$26,080.00
\$6,308.97	\$16,493.09	Land & Site Contractor Serv Total	\$16,493.09
	\$7,676.91	Illuminating Company Total	\$13,985.88
	\$12,080.00	M.A.L. Enterprises Total	\$12,080.00
\$3,645.71	\$9,509.75	Chesterland Electric Total	\$9,509.75
\$4,200.00	\$4,612.62	Margaret Vitale Total	\$8,258.33
	\$3,000.00	Rotary of Chesterland Total	\$7,200.00
\$5,760.00	\$6,299.31	Deepwoods Trucking Total	\$6,299.31
\$650.00		Inspired Tree Services	\$5,760.00
\$1,065.00	\$4,487.43	Mulberry Creek Greenhouse Total	\$5,137.43
	\$3,750.00	The Pruning Company Total	\$4,815.00
	\$4,729.67	Sherwin Williams Total	\$4,729.67
\$1,625.00	\$3,500.00	Podgei Excavating Total	\$3,500.00
	\$1,563.00	Public Entities Pool (PEP) Total	\$3,188.00
	\$3,065.00	Hi Lite Maintenance Total	\$3,065.00
	\$3,000.00	Guthrie Designworks Total	\$3,000.00
	\$2,841.65	Electolite Total	\$2,841.65
\$411.64	\$2,742.30	Professional House Cleaning Serv Total	\$2,742.30
	\$2,135.00	Freshley & Son Total	\$2,546.64
	\$2,291.48	The Flag Store Total	\$2,291.48
	\$2,054.88	Lance Vandell Total	\$2,054.88
\$1,000.00	\$2,048.08	Bremec Garden Center Total	\$2,048.08
\$850.00	\$1,000.00	Kiwanis Club of W/G Total	\$2,000.00
\$954.23	\$1,110.00	J. Wild Total	\$1,960.00
	\$801.26	Turney's Home and Auto Total	\$1,755.49
\$1,500.00	\$1,690.00	Apex Land Management Total	\$1,690.00
		ZalaConstruction	\$1,500.00
	\$1,344.00	Design Viewpoints Total	\$1,344.00

Attachment 2

2012 Amount Vendor Paid

\$375.78	\$963.75 All-Ways Flashers Services Total
\$534.85	\$737.60 Republic Services Total
\$1,159.10	\$1,250.00 Sai Charillo Total
\$183.36	United Volleyball
	\$874.12 Chesterland News Total
	\$835.00 H&K Gutter Total
\$200.00	\$754.99 K.T. Custom Logos Total
	\$550.00 Insurance Partners Total
\$650.00	\$665.00 Clenden Barris Total
	\$0.00 Bart Alcorn
	\$646.47 Costco Total
	\$620.60 American Rail Road Tie Total
	\$550.00 Western Reserve Graphics Total
	\$500.00 Perennial Garden Club Total
	\$400.00 Mary Slingluff Total
	\$335.00 Bob Lautenschleger Total
\$0.00	\$300.00 Albert Parker Total
	\$250.00 Brite Stripe Total
\$75.00	\$170.00 CCM Rental Total
	\$200.00 Playground World Total
\$100.00	\$100.00 Ruth Chapman Total
\$69.96	\$105.00 Carrot Top Industries Total
\$100.00	\$121.70 Playpower LT Farminton Total
\$90.00	ODNR-Division of Parks
	\$75.00 Epic Sign & Design Total
	Village Outdoors
\$70.50	\$0.00 Abate Landscaping
\$66.00	\$60.00 Best Trophy and Awards Total
\$43.77	Home Depot
\$24.99	\$0.00 Bloom Bros
	\$23.10 Geauga County Maple Leaf Total
	TOTAL

Total for 2012 and 2013

\$1,339.53
\$1,272.45
\$1,250.00
\$1,159.10
\$1,057.48
\$835.00
\$754.99
\$750.00
\$665.00
\$650.00
\$646.47
\$620.60
\$550.00
\$500.00
\$400.00
\$335.00
\$300.00
\$250.00
\$245.00
\$200.00
\$200.00
\$174.96
\$121.70
\$90.00
\$75.00
\$70.50
\$66.00
\$60.00
\$43.77
\$24.99
\$23.10
\$314,960.25



Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026
440-729-7058
www.chestertwp.org

FY2014 Beginning Balances / FY2013 Chester Township Park District Actual | 12/31/13

PURPOSE	FOR 2013 ACTUAL
GENERAL FUND	
CASH BALANCE, January 1st, 2014	12,975.52
PRIOR YEAR ENCUMBRANCES	
RECEIPTS:	
TAXES: Chester Twp	150,000.00
State/County	14,678.08
FEES:	850.00
OTHER: Interest/Inflation	9,852.38
TOTAL RECEIPTS	174,680.87
TOTAL RECEIPTS & BALANCE	187,656.89
EXPENDITURES:	
GENERAL	16,800.43
PERSONAL SERVICES	4,422.49
CAPITAL IMPROVEMENTS	119,876.78
RESERVE FUND	9,229.50
MAINTENANCE	30,925.28
DONATIONS	4,000.00
TOTAL EXPENSES	178,659.50
CASH BALANCE, December 31, 2013	8,988.80
RESERVE FUND Balance	8,238.80
LESS ENCUMBRANCES	780.30
UNENCUMBERED BALANCE, December 31, 2013	16,447.30

RECEIVED
FEB 21 2014
Frank J. Gilha
Geauga County Auditor

Total carry over
= \$11,580.30

But Bank balance
is \$11,950.30
Δ \$370.00

To the Chester Township Trustees:
The Board of Park Commissioners of Chester Township Park District hereby submits the actual balances for the year commencing January 1, 2014 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

Respectfully Submitted by:
Peggy Vitale, Administrative Assistant of the Board

CHESTER TOWNSHIP PARK DISTRICT COMMISSIONERS

Clay Lawrence *Clay Lawrence* Date: 2/20/14

Joe Weiss, Jr. *Joe Weiss, Jr.* Date: 2/19/14

Lance Yandel *Lance Yandel* Date: 2/20/14

BAT MFG WITH
TRUSTEES
with
2/20/14
WEISS TOLD
BALANCE
13

"A PASSION FOR OUR PARKS"

CHESTER-TOWNSHIP PARK DISTRICT DONATIONS 2013

Park Bench Contributor		\$
1	West Geauga Plaza, LLC	500
2	Mr. Joseph H. Weiss, Jr.	500
3	Guido's Pizza Haven	500
4	Eastside Dog and Cat Hospital, Inc	250
5	Loretta Paganini School of Cooking	500
6	Top Gun Supply, LLC	500
7	Perennial Gardeners of Chesterland	500
8	Lions Club of Chesterland, Inc.	500
9	University Hospitals	500
10	Chesterland Auto Body & Service Inc.	500
11	Mrs. Wendy Weiss-Asher	500
12	The Legal News Publishing Company	500
13	Storage Park	500
14	Mr. Kenneth Radtke	500
15	DRY Center Building LLC	500
Miscellaneous Contributor		\$
	The HF Group, LLC	150
	The Kiwanis Club of West Geauga	250
Flag Pole Contributor		\$
	West Geauga Plaza, LLC	500
	Mrs. Judy Caputo-Rogaski	500
	Chesterland Auto Body & Service Inc.	500
	Mr. and Mrs. John D. Power	500
	DRY Insurance Group	500

per 4/17/13
MTE minutes -
20 park benches
have been sold?
per 2/13/13 MTE
min. 12 park benches installed

per 2/27/13 MTE minutes
" Four community residents
have generously donated
a sum of \$50 each ..."
?? per Base Statement
MTE rec'd yet?

\$10,150

Rec'd from Park Commission
on 3/4/14 as
"Current agreement"

ATTACHMENT 5
2/15/14

AGREEMENT

Whereas, the Board of Township Trustees of Chester Township (hereinafter "Township") has the authority and responsibility to operate and maintain parklands within Chester Township; and,

Whereas, the Board of Commissioners of the Chester Township Park District (hereinafter "Park District") has previously entered into an agreement with the township for the purpose of using, developing, improving, and protecting parklands within Chester Township; and,

Whereas, it is the desire of the Township and the Park District to continue such agreement and relationship;

Now, therefore, the Board of Township Trustees of Chester Township (Township) and the Board of Commissioners of the Chester Township Park District (Park District) agree as follows:

1. The Park District shall continue to use, develop, improve, and protect all parks and parklands owned by Chester Township and the Board of Township Trustees of Chester Township for the term of this agreement.
2. The Park District shall use, operate, maintain, develop, improve, and protect said parklands for the purpose of providing passive and active recreation facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Township, the Park District may enter into agreements with other political subdivisions, including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, the Geauga County Park District, and Geauga County for the use and operation of the subject parks and parklands.
4. The Park District shall not construct or alter any permanent improvements on said parks or parklands without prior written approval from the Township. All plans, specifications, and drawings shall be submitted by the Park District to the Township at least sixty (60) days before commencement of any construction or alteration of permanent improvements. The Park District agrees that the Township may refer any plans, drawings, or specifications to the Chester Township Zoning Commission for advice and comment. The Park District agrees that all construction and alterations of permanent

improvements shall be so constructed or altered as to comply with and be in the spirit of the Chester Township Zoning Resolution.

5. The Park District has adopted and shall continue to adopt rules and regulations for the use of parks and parklands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities, and shall prohibit the consumption of beer, wine and other alcoholic beverages on parklands or facilities.

6. The duty and authority to regulate the use of parks and parklands lies with the Park District.

7. No rangers or park police officers shall be appointed by the Park District other than police officers employed by the Chester Township Police Department. Direction and control of such rangers or peace officers shall be within the authority of the Chester Township Police Department.

8. The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be withheld by the Township until it receives certification from the fiscal officer of the Park District that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.

9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.

10. The term of this agreement shall be for a period of five (5) years. Thereafter, the agreement shall renew on an annual basis unless either of the parties terminate the agreement as provided herein.

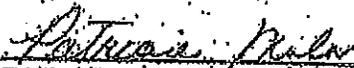
11. Either party may terminate this agreement prior to its expiration or the expiration of any renewal term by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination, provided such termination date shall be no earlier than ninety (90) days subsequent to the delivery of such notice.

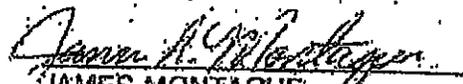
In the event that the Park District has incurred an indebtedness, the Park District may not terminate this agreement without providing sufficient proof that there are no liens on the parks, parklands, or permanent improvements and that all such indebtedness is properly secured.

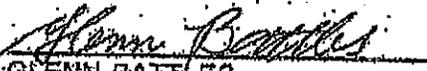
12. Upon the expiration or termination of this agreement as provided herein, control of all parks and parklands shall revert to the Township. All improvements on said parks

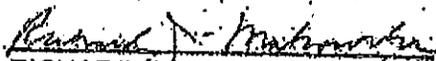
and parklands shall be and remain the property of the Township with no compensation or reimbursement due or owing to the Park District.

Executed this 25th day of February, 1983.


PATRICIA MULA
Chester Township Trustee


JAMES MONTAGUE
Chester Township Trustee


GLENN BATTLES
Chester Township Trustee


RICHARD J. MAKOWSKI
Park District Commissioner


AL DATTILO
Park District Commissioner


JOAN D. DI CILLO
Park District Commissioner

BY LAWS

of

CHESTER TOWNSHIP PARK DISTRICT
BOARD OF COMMISSIONERS

ARTICLE I

POWERS AND PURPOSE

Section 1. Powers. The Board of Park Commissioners of the Chester Township Park District shall possess all of the powers and shall be subject to all of the ~~responsibilities conferred on it~~ by Chapter 1545 of the Ohio Revised Code.

Section 2. Purpose. The purposes and duties of the Board of Park Commissioners of the Chester Township Park District shall be as follows:

- a. To review and study the recreation needs of the community at large.
- b. To develop recreational facilities on all lands under its jurisdiction and control.
- c. To promulgate rules and regulations pursuant to Ohio Revised Code Section 1545.09 as the Board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways and other reservations of land under its jurisdiction and control, and of property and natural life therein. The Board shall also adopt rules establishing a procedure for contracting for professional, technical, consulting and

other special services. The rules and regulations provided herein shall be published as provided in the case of ordinances or municipal corporations before taking effect.

d. To review annually the recreational needs of the community, and to implement any necessary and practical changes in the use of and facilities on the lands so as to assure that the recreational needs of the community continue to be met as fully as possible.

ARTICLE II

ORGANIZATION

Section 1. Membership. The Board of Park Commissioners for the Chester Township Park District shall consist of the three (3) members appointed by the Geauga County Probate Judge pursuant to the provisions of Ohio Revised Code Section 1545.05 and the Geauga County Auditor and Treasurer, as ex-officio members, pursuant to the provisions of Ohio Revised Code Section 1545.22.

Section 2. Term of office. The original three (3) park commissioners appointed by the Geauga County Probate Judge shall take office immediately and their respective terms shall expire one (1), two (2) and three (3) years from the first day of January, 1985.

Thereafter, the successors to each expiring term of Park Commissioner shall be appointed by the Geauga County Probate Judge for a term of three (3) years, subject to taking an oath of office and providing a bond to the Geauga County Auditor for the faithful performance of the duties of the office in the sum of \$5,000.00.

Section 3. Service without compensation. All Park Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

Section 4. Removal and vacancy. Any Park Commissioner may be removed at the discretion of the Geauga County Probate Judge as provided in Ohio Revised Code Section 1545.06. In the case of removal or in the case of a vacancy occurring for any other reason, such vacancy shall be filled by the Geauga County Probate Judge by appointment for the unexpired term.

Section 5. Reappointment. Any member of the Board of Park Commissioners may be reappointed at the end of his term of service, if the Geauga County Probate Judge makes such reappointment.

ARTICLE III

OFFICERS

Section 1. Designation of officers. The officers of the Chester Township Park District shall be elected by members of the Board of Park Commissioners and shall be as follows:

- a. Chairman. The Chairman shall preside at all meetings, shall sign all documents authorized by the Board of Park Commissioners, shall make

all committee assignments, shall be responsible for all reports required by law, and generally perform all duties incident to such office.

b. Clerk/Secretary. ~~The Clerk/Secretary shall keep~~ an accurate record of all meetings of the Board of Park Commissioners whether regular, special or emergency. He shall give all notices

required by law and all notices required by the By Laws of the Chester Township Park District. He shall perform such duties as may be required by the Chairman or other members of the Board of Park Commissioners. At the expiration of his term of office, he shall deliver all books, papers or property of the Chester Township Park District to the Chairman, or his successor.

c. Such other officers as may be necessary for the efficient conduct of the activities of the Chester Township Park District.

Section 2. Election of officers. The election of officers shall be held at the annual meeting of the Chester Township Park District or at a special meeting called for that purpose. The election shall be by a majority vote of the members of the Board of Park Commissioners for the nominees to the respective offices. Balloting shall continue until a majority vote is obtained from the members for each office.

Section 3. Employment of other persons and purchase of goods. The Board of Park Commissioners may employ a secretary and such other employees as are necessary in the performance of the powers conferred on the Board by Chapter 1545 of the Ohio Revised Code for the purpose of acquiring, planning, developing, protecting, maintaining and improving lands and facilities thereon under Ohio Revised Code Section 1545.11 and for other types of assistance which it finds necessary. In carrying out its duties, the Board of Park Commissioners may hire and contract for professional, technical, consulting and other special services and may purchase goods. In procuring any goods, the Board shall contract as a contracting authority under Ohio Revised Code Section 307.86 to 307.90 inclusive, to the same extent and with the same limitations as a Board of County Commissioners. In procuring services, the Board shall contract in the manner and under procedures established by the By Laws of the Board as required under Ohio Revised Code Section 1545.09.

Section 4. Police powers. The Board of Park Commissioners may designate certain employees as police officers to exercise police powers within and adjacent to the lands under the jurisdiction and control of such Board. Before exercising such power, such employees shall take an oath and give a bond to the state in such sum as the Board prescribes for the proper performance of their duties in such respect.

ARTICLE IV

MEETINGS

Section 1. Annual meeting. The annual meeting of the Board

Township Park District shall be held at the Chester Township Town Hall on the third Thursday of January of each year at the hour designated in the written notice therefor.

Section 2. Regular meeting. The regular meeting of the Chester Township Park District shall be held at least once each month at the Chester Township Town Hall at the hour designated in the notice therefor. Written notice of the regular meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the regular monthly meeting.

Section 3. Special or emergency meeting. A special or emergency meeting of the Board of Park Commissioners may be held at any time upon call of the Chairman or a majority of the members of the Board of Park Commissioners. Written notice of a special meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the special meeting. However, written notice is not required for an emergency meeting.

Section 4. Quorum. A minimum of two (2) members constitute a quorum for the transaction of business at any meeting of the Board of Park Commissioners, and a vote of two (2) members present at the meeting shall be sufficient for conduct of Chester Township Park District business.

- a. No contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Georgia County Auditor

certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes. The accounts of the Board shall also be kept in the manner to be prescribed by the Bureau.

- b. The Board of Park Commissioners may acquire lands either within or without the Chester Township Park District for the purposes and in the manner prescribed by Ohio Revised Code Section 1545.11. The acquisition of such land will require a majority vote of the Board. The Board may also accept donations of money or other property, or may act as trustees of land, money or other property and use and administer the same as stipulated by the donor or as provided in the trust agreement, subject to approval of each donation or trust by the Geauga County Probate Judge before acceptance by the Board of Park Commissioners.

c. The Board of Park Commissioners may sell and dispose of land it has acquired and which is not necessary for the purposes for which it was acquired with the approval of the Geauga County Probate Court as provided in Ohio Revised Code Section 1545.12.

The Board may also lease or permit the use of any of its lands for purposes not inconsistent with the purposes for which such lands were acquired, and upon such terms as the Board deems advisable.

d. Any contract for the purchase of goods, employment of personnel and for services shall require a majority vote of the Board.

Section 5. Public notice of meetings. All meetings of the Chester Township Park District shall conform to the notice requirements established by Ohio Revised Code Section 121.22 (also known as the "Sunshine Law") as follows:

a. A schedule of the regular meetings of the Board, including information as to the time and place, shall be posted on a bulletin board located in an area accessible to the public at the Chester Township Town Hall. In the event of a cancellation or change of a regularly scheduled meeting date, the Board will make every reasonable effort,

including the use of newspaper notice, to notify all interested parties of such change. The newsmedia and persons requesting direct notification by the procedure established by these rules shall be notified individually of such change as soon as possible.

b. When a special meeting of the Board has been scheduled, notice of such special meeting, including the information as to the time, place and purpose of the meeting, shall be posted on the public bulletin board in the Chester Township Town Hall. Notice of such meeting shall be mailed to all persons requesting such notification as provided by these rules. No special meeting shall be held unless at least twenty-four (24) hours advance notice has been given to the newsmedia that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency meeting, the member or members calling such a meeting, shall immediately notify the newsmedia that have requested notification of the time, place and purpose of the meeting.

c. Any person may request reasonable advance

notification of all meetings of the Board including mailing of the agenda of the meeting, if requested. For this purpose such person shall provide the Board with a self-addressed and stamped envelope. In the case of a special or emergency meeting, the Board will make a reasonable effort to notify such persons by telephone if a mailed notice will not be timely.

- d. Any person or newsmedia desiring notification in accordance with these rules shall notify the Board in writing.
- e. The minutes of the regular, special or emergency meetings of the Board shall be promptly recorded and open to the public for inspection.

ARTICLE V

COMMITTEES

Section 1. Designation of committee members. The Chairman of the Board of Park Commissioners shall be responsible for the appointment of standing committee members, and for the creation of special committees and the appointment of their members.

Section 2. Standing committees. The Board of Park Commissioners shall act as a committee of the whole for all standing committees.

ARTICLE VI

RECORDS

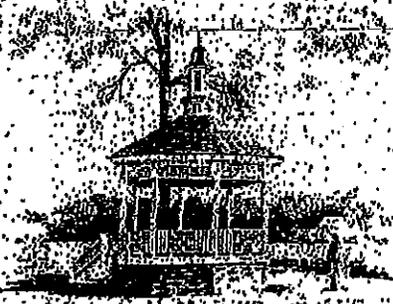
Section 1. Custodian of records. The Clerk/Secretary of the Chester Township Park District shall be the custodian of all of the records of the Board of Park Commissioners excepting Board records which may properly be in the custody of the fiscal officer of the Board of Park Commissioners. The Board of Park Commissioners shall compile and publish reports and information relating to the Park District and other proceedings and functions of the Board, and shall keep an accurate and permanent public record of all of its proceedings.

Section 2. Records available to public. Any person upon written request to the Secretary or fiscal officer may examine the records of the Board of Park Commissioners if such request is made at least seventy-two (72) hours in advance of such examination.

ARTICLE VII

REPEAL AND AMENDMENT OF BY LAWS

Section 1. These By Laws may be repealed or amended by a majority vote of the Board of Park Commissioners at a meeting called for that purpose.



"Countryside Living"

Chester Township Park District

12701 CHILlicothe ROAD, CHESTERLAND, OHIO 43026

440-729-7058

www.chestertwp.org

February 20, 2014

TO: Chester Township Trustees

RE: CHESTER TOWNSHIP PARK FUNDING & IMPROVEMENTS for 2014

Dear Chester Township Board of Trustees,

The Park Board would like to present to the Trustees the proposed scope of project spending for 2014 at Parkside Park and request your support in the efforts identified below that we feel would serve the Park patrons and the overall appearance of our community Park.

Revenue	Chester Township Budgeted Funds	100,000	
	Tax Receipts - State Funds	15,000	
	Total Budgeted Revenue	115,000	
Expense	Concert Series Donation to Kiwanis	1,000	Same LY
	Insurance: Bonds, Liability, Building	2,000	Same LY
	Maintenance: Turney's, Freshley Plumbing	2,000	Same LY
	Memorial Day: Bag Pipe, Player, Flowers	300	Same LY
	Playground Mulch Replenishment	3,500	Play Ground World
	Office Supplies, Postage, Advertising	800	Same LY
	Park Flower Baskets	1,000	Same LY
	Park Cleaning Expense-Restroom's	3,780	\$340/month x 7 months
	Park Grounds Maintenance and Repairs	18,000	LY = \$16,500
	Park Grounds Baseball Field Maintenance	2,500	LY = \$2480
	Repairs, Electric	5,000	Replace ball field light heads
	Secretarial Expense	3,600	Same LY
	Tree Trimming / Stump Grinding	2,000	Same LY
	Electric - Illuminating Co meters	10,000	Same LY
	Rubbish	900	\$75 * 12 months
	Baseball Diamond Adaptation	15,000	Fencing to conform field to fast pitch
	Electrical Revamp Along Fence	11,000	Proposed 2 electrical upgrade stations
	Gazebo Painting	5,000	Scraping, caulking, painting 2 coats
	Horseshoe Pavilion Roof	4,000	Total tear off
	Walkway Lamppost Lighting & Outlet	15,000	Install 10 lamps purchased with outlets
	Volleyball Boundary Netting	3,700	15 foot high boundary netting
	Total Budgeted Expense	110,080	
	Projected Carryover	4,920	

What's the over
4/14 call
balance of 7
7 \$10,000

COMMISSIONERS: Clay Lawrence, Joseph Weiss, Jr., Lance Yardell

EXHIBIT B

December 16, 2010

Attendees:
Roy Podojil
Terry Ries

Melissa Palmer, recording

**Special Meeting
of the
Russell Township Park Commission**

Call to Order:

- The regular December meeting of the Park Commission was cancelled due to inclement weather. A special meeting was sunshined and held on Thursday morning, December 16, 2010. The meeting was called to order at 11:02 a.m.

Minutes:

- Melissa Palmer read the minutes from the November 8th meeting. **Motion:** Terry Ries made a motion to approve the minutes of the November 8, 2010 minutes as presented. Roy Podojil seconded the motion and it passed. The minutes were accepted and signed.

Old Business:

- **Future land acquisition:** Mr. Podojil is taking the title paperwork, the September minutes authorizing the purchase, and a check to Lawyer's Title Agency of Chardon. It is expected that the purchase of the Alford property on Sperry Road will be complete before the end of 2010. **MOTION:** Mr. Ries made the motion to authorize spending up to \$1,000.00 to cover the property tax expenses for the remainder of 2010 on the new Sperry Road property. Mr. Podojil seconded the motion and it passed.
- **Russell Uplands Preserve :** Mr. Chip Hess, of Hess Engineering, submitted a letter to the Park Commissioners indicating that he approved the payment of the invoice from Ohio Paving and Construction for the RUP driveway paving project. The commissioners indicated that the fencing looked nice and the lower gate is installed.
- **Thank You to Mr. Al Zack:** Mr. Allen Zack donated his time and labor to construct 2 wooden benches for installation at the Russell Uplands Preserve. The Commissioners appreciate his generosity and talents. A check was issued to Mr. Zack for materials for the benches.
- **Snowplowing:** Mr. Ries will look into having the RUP driveway snowplowed during the winter. The biggest need is to clear the snow from the plows at Russell Road. Previously, an estimate was received for \$100.00 per push. That estimate was deemed too expensive. **MOTION:** Mr. Podojil made the motion to authorize \$500.00 for snow plowing at the Russell Uplands Preserve. Mr. Ries seconded the motion and it passed.
- **ATV activity:** A Geauga Park District Ranger will coordinate with Chief Carroll to walk the RUP looking for ATV transgressors.

New Business:

- **Reappointment of Roy Podojil:** **MOTION:** Mr. Terry Ries made the motion to reappoint Mr. Roy Podojil to the Russell Township Park Commission. Mr. Podojil seconded the motion and it passed. Mr. Podojil will appear before Judge Henry for his official appointment. Thank you to Mr. Podojil for agreeing to serve on the Park Commission again.
- **Public Official's Bond:** The Public Official's bond for Mr. Podojil will be renewed for a three year term with \$25,000 coverage. The premium is \$250.
- **2011 Meeting Schedule:** **MOTION:** Mr. Roy Podojil made the motion to approve the 2011 meeting schedule as presented. Mr. Ries seconded the motion and it passed. The Park Commission will continue to meet on the second Monday of each month in the West Woods Nature Center. Special meetings will be held as necessary and will be properly sunshined.
- **Public Officials Liability renewal form:** The renewal form was filled out, signed, and returned to Mr. Sutton, of Sutton Insurance Agency. Mr. Sutton will be in touch with the policy after the holidays.

December 2010 minutes ord

- **2011 Purchase Orders:** Temporary Purchase Orders for the beginning of 2011 were discussed. It was agreed that the Purchase Orders would remain much the same as previous years. Purchase orders for Blades Inc will be created so as to make the job scheduling and bill paying simpler.

PO 2011-1	Secretarial Services	\$2,500
PO 2011-2	Office Supplies	\$250
PO 2011-3	Mileage Reimbursement	\$200
PO 2011-4	Legal Ad's	\$1,000
PO 2011-5	Fees, Geauga County Auditor	\$4,000
PO 2011-6	Fees, State Audit	\$5,000
PO 2011-7	Public Official Bonds	\$850
PO 2011-8	Liability Insurance	\$1,800
PO 2011-9	Professional Engineering Services	\$3,000
PO 2011-10	Park improvements & trailwork	\$5,000
PO 2011-11	Hardware supplies & light equipment	\$500
PO 2011-12	RUP entrance improvements	\$10,000
PO 2011-13	Park & Hall Field maintenance & mow	\$5,000
PO 2011-14	Snowplow service	\$500
PO 2011-15	Property tax expenses for Sperry Rd	\$1,000

MOTION: Mr. Ries made the motion to approve Purchase Orders for 2011 as presented. Mr. Podojil seconded the motion and it passed.

- **2011 Temporary Appropriations:** A resolution is required to provide for the current expenses and the other expenditures of the Park Commission during the fiscal year ending December 31, 2011. MOTION: Mr. Ries made the motion to accept the Resolution for 2011 Temporary Appropriations. Mr. Podojil seconded the motion and it passed.

Monthly Financial Report & Signings:

- Mr. Ries signed the bank statements.
- Warrant & Ck 888 in the amount of \$200.00 to Melissa Palmer for October Secretarial (from PO#12)
- Warrant & Ck 889 in the amount of \$34.95 to Excel Printing for the RUP project info sign (from Blanket#2)
- Warrant & Ck 890 in the amount of \$9,975.82 to Lawyer's Title Agency of Chardon for land acquisition closing (from PO#27)
- Warrant & Ck 891 in the amount of \$250.00 to Sutton Insurance for the Podojil Public Official's bond (from PO#7)
- Warrant & Ck 892 in the amount of \$59,888.48 to Ohio Paving & Construction for the RUP driveway paving project (from PO#24)
- Purchase Order 2010-30 for \$500.00 to Custom Cut Landscape LLC for snowplow services (P30)
- Purchase Order 2010-31 for \$1,000 to Geauga County for property tax expenses for Sperry Rd (P10)

Adjournment:

- The meeting was adjourned at 11:45 a.m.

Respectfully submitted by:



Approved by:



January 10, 2011

Attendees:
Roy Podojil
Sandy Siegler

Melissa Palmer, recording

**Regular Meeting
of the
Russell Township Park Commission**

Call to Order:

- The meeting was called to order at 7:02 p.m.

Organizational Duties:

- The Russell Township Park Commission secretary called for nominations for Chairman for the year 2011. Mr. Siegler nominated Mr. Podojil for Chairman of the Russell Township Park Commission. Mr. Podojil seconded the nomination and it passed.
- Mr. Podojil nominated Mr. Siegler for Vice-Chairman of the Russell Township Park Commission for the year 2011. Mr. Siegler seconded the nomination and it passed.
- Mr. Siegler nominated Mr. Ries for Fiscal Officer of the Russell Township Park Commission for the year 2011. Mr. Podojil seconded the nomination and it passed.

Minutes:

- The reading of the minutes from the special meeting held on December 16, 2010 was waived as Mr. Ries is absent.

Old Business:

- **Snowplowing:** Mr. Podojil noted that the RUP had been plowed a couple of times. He is slightly concerned that the snow was pushed in front of the emergency gate. Mr. Siegler asked if the snow was going to be plowed every time it accumulated to two inches. He indicated that he does not want it plowed that often.
- **RUP sign & entrance design:** Mr. Siegler would like a visible wooden sign similar to the Affelder's sign on Route 306 or like the other Geauga Park District signs. They are not gaudy or ostentatious. He is also interested in placing stone pillars near the entrance gate of the RUP. Mr. Podojil is interested in adding some split rail fencing to the entrance way. The BZA will have to be consulted for sign size.
- **Sperry Road property:** The 4.89 acre Sperry Road property, formerly the Alford property, was added to the RTPC portfolio. The title transferred on December 17, 2010.

New Business:

- **Levy Committee:** Discussion was held concerning potential members of the levy committee. The exact wording is needed for the resolution and renewal levy.
- **2011 Purchase Orders:** MOTION: Mr. Siegler made the motion to approve the 2011 Purchase Orders as written below. Mr. Podojil seconded the motion and it passed.

PO 2011-1	Secretarial Services	\$2,500
PO 2011-2	Office Supplies	\$250
PO 2011-3	Mileage Reimbursement	\$200
PO 2011-4	Legal Ad's	\$1,000
PO 2011-5	Fees, Geauga County Auditor	\$4,000
PO 2011-6	Fees, State Audit	\$5,000
PO 2011-7	Public Official Bonds	\$850
PO 2011-8	Liability Insurance	\$1,800
PO 2011-9	Professional Engineering Services	\$3,000
PO 2011-10	Park Improvements & trailwork	\$5,000
PO 2011-11	Hardware supplies & equipment	\$500

January 2011 minutes ordt

PO 2011-12	RUP entrance improvements	\$10,000
PO 2011-13	Park & Hall Field maintenance & mow	\$5,000
PO 2011-14	Snowplow service	\$500
PO 2011-15	Property tax expenses for Sperry Rd	\$1,000

MOTION: Mr. Ries made the motion to approve Purchase Orders for 2011 as presented. Mr. Podojil seconded the motion and it passed.

Monthly Financial Report & Signings:

- The bank statements will be presented when Mr. Ries is able to review them.
- Warrant & Ck 893 in the amount of \$2,378.75 to Hess Engineering for professional engineering services (from PO#2010-24) (signed & mailed on December 23, 2010)
- Warrant & Ck 894 in the amount of \$200.00 to Melissa Palmer for January Secretarial (from PO#1)
- Warrant & Ck 895 in the amount of \$500.00 to Sutton Insurance for the General Liability Insurance (from PO#8)
- Warrant & Ck 896 in the amount of \$1,025.00.00 to Sutton Insurance for Public Officials Liability Insurance (from PO#8)

Adjournment:

- The meeting was adjourned at 7:45 p.m.

Respectfully submitted by: Melissa Palmer Approved by: Ray Podojil

EXHIBIT C

COPY

CASH BALANCES 2013

	TOTALS	HINTINGTON CK	HINTINGTON SAVING	STAR OHIO	ADJ CK ACCT BAL	ADJ CASH JOUR BAL
1/31/2013	\$876,290.95	\$731,851.64	\$136,362.04	\$8,077.27	\$250.00	\$876,040.95
02/29/2013	\$939,472.29	\$795,030.43	\$136,364.13	\$8,077.73		\$939,472.29
3/31/2013	\$963,124.63	\$818,681.21	\$136,366.29	\$8,078.13	\$250.00	\$962,874.63
4/30/2013	\$962,346.84	\$817,901.95	\$136,366.41	\$8,078.48	\$500.00	\$961,846.84
5/31/2013	\$974,473.92	\$830,027.60	\$136,367.57	\$8,078.75	\$1,235.00	\$973,238.92
6/30/2013	\$971,919.97	\$827,472.30	\$136,368.69	\$8,078.98		\$971,919.97

COPY

Park Commission Cash Journal 2013

Debit Receipt Date	Credit Expend	Bal.	Date	Description	Reck	Chk. #	P10 - Admin		P30 - Cap Imp		P80 - Facility		Operating		Conservation Land		Bal.	
							D: Expend	Crd: Receipt	D: Expend	Crd: Receipt	D: Expend	Crd: Receipt	D: Expend	Crd: Receipt	D: Expend	Crd: Receipt		
		971,238.97		Beginning Balance														
6/10/2013	0.00	250.00	1010	Melissa Palmer	29			250.00										
6/10/2013	0.00	480.00	1011	Blades Lawn Care	26			480.00										
6/10/2013	0.00	1,304.60	1012	Art Form-Nurseries	27			1,304.60										
6/10/2013	0.00	100.00	1013	Sutton Insurance	28			100.00										
6/12/2013	442.56			Local Gov Fund														
6/11/2012	381.74			Pub Lib Fund														
6/30/2012	1.12			Huntington Interest														
6/30/2012	0.23			STAR Interest														
	0.00	825.65																
	0.00	350.00																
	0.00	1,794.60																
	0.00	825.65																
	0.00	2,144.80																
	0.00	825.65																
	0.00	146,326.82																
	0.00	11,711.24																
	0.00	24,825.03																
	0.00	80,789.20																
	0.00	825,593.15																

EXHIBIT D

COF

STANDARD RECEIPT

Russell Township Park Commission
P.O. Box 522
Novelty, OH 44072

Receipt Number: 1 -2013
Date: 1/15/2013

Received of: Geauga County Auditor
For: Public Lib Fund

Amount: \$373.29
Fees: _____
Net Receipt: \$373.29

MCPolmer

(Fiscal Officer)

Account Type	Description	Charge Type	P.O. Number	Amount
Operating	Public Lib Fund			\$373.29
Conservation:				

CHECK NO. 883052

Invoice Total	(+) Retainage	(-) Discount	(+) Freight	(+) State Tax	(+) City Tax	(+) County Tax	(=) Total Payment
373.29	0.00	0.00	0.00	0.00	0.00	0.00	373.29

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
01/14/2013	2013.00000257	Public Library Funds-Russell Twp Park statutory distributions-public library funds-russell twp park G/L Account: 9013-999-00-998 - rotary expense 373.29  <i>Part #1</i>	373.29 1 Each 373.29

COPY

Total: \$373.29

2013 PUBLIC LIBRARY FUND

Payin Code -9013

COPY

Payin Amount. \$249,527.64
x .44% 1,097.92 allocated to Parks
 248,429.72

Date: 1/9/2013

Distribution is directly from Public Library Fund.

9013-999-000-998

	Vendor #	% Allocated	Amount
Geauga Library	1698	85.8161488%	213,192.82
Burton Library	552	14.1838512%	35,236.90
Thompson Park	4543	32.00%	351.34
Russell Park	4020	34.00%	373.29
Chester Park	763	34.00%	373.29

TOTAL

249,527.64

Prepared by Bev. Sustar
Deputy Auditor

File: PUBLIC LIBRARY FUND.xlsx

EXHIBIT E

COPY

Warrant # 989

Purchase Order

8

TO: Sutton Insurance

QTY	Description	Price per Unit	Amount
	General Liability Insurance		\$500.00

I hereby certify that the money required for the payment of the above obligation in the sum of \$500.00 at the time of making of such contract or order, and at the time of the execution of such certificate, was lawfully appropriated for such purpose and was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances. (Rev. Code, Sec. 5705.41)

Date: 14-Jan-13

EXHIBIT F

RESOLUTION NO.: 2013-010

LAKE METROPARKS

INTRODUCED BY: Mr. Eckart

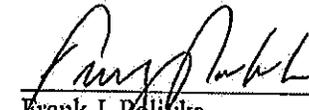
CONCORD, OHIO

A Resolution of the Board of Park Commissioners of Lake Metroparks to approve the Board of Park Commissioners Performance Metrics, as attached.

Seconded by: Mr. Polivka

Ayes: 2
Nays: 1
Passed: by majority

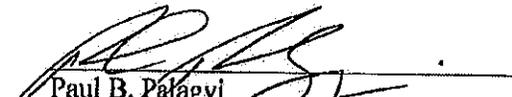
BOARD OF PARK COMMISSIONERS
LAKE METROPARKS



Frank J. Polivka
President

ATTEST:

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Park Commissioners of Lake Metroparks of the State of Ohio on the 18th day of September 2013.



Paul B. Palagyi
Executive Director

BY RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAKE METROPARKS IS HEREBY ESTABLISHED THE FOLLOWING PERFORMANCE METRICS ARE FOR EMPLOYEES, VOLUNTEERS, ASSOCIATES AND BOARD MEMBERS.

THE MISSION OF LAKE METROPARKS

To conserve and preserve the natural resources of Lake County while providing a variety of safe, affordable and enjoyable educational and recreational programs and activities that enhance the quality of life in Lake County now and for the generations to follow.

COOPERATION

The Lake Metroparks will provide a leadership role in cooperation with other public and private agencies and private landowners to preserve significant natural, historic, and cultural areas to enhance the quality of life within the Northeast Ohio region.

OPERATIONS

Lake Metroparks will operate the Parks in a manner that enhances the public enjoyment, awareness, and understanding of natural, historic, and cultural areas, while faithfully preserving and protecting for posterity the parks in as natural a state as possible.

GOVERNING STYLE

The Board will approach its task with a style which emphasizes strategic leadership more than administrative detail; clear distinction of Board and staff roles; an eye toward the future rather than the past or present; and be proactive rather than reactive. In this spirit, the Board will:

1. Involve itself primarily with the intended long-term goals of the organization, rather than with the administrative or programmatic means of attaining those goals.
2. Direct, control, and inspire the organization through careful deliberation and establishment of policies.
3. Enforce upon itself appropriate direction as needed to govern with excellence. Discipline will apply to attendance, policy making principles, respect for clarified roles, speaking with one voice, and self-policing of tendencies to stray from rigorous governance.

4. Ensure that no Commissioner shall participate in the consideration of, or the voting on, any contract with the Board, or on any project for which the Board may approve funding, in which a Commissioner, a member of his or her immediate family, or any of his or her business associates has a financial interest. No Commissioner shall be permitted to realize any personal financial benefit, directly or indirectly, from any project funds approved by the Board or from any contract with the Board except that this prohibition shall not apply to contracts providing for goods or services unobtainable elsewhere for the same or lower cost, and where the transaction is conducted at arm's length with full disclosure of the interest or benefit to the Board, and where the Commissioner having such interest does not participate in the deliberations or decisions of the Board.

A Commissioner shall disclose to the Board any membership or affiliation he or she may have with any agency, organization, or other entity which submits to the Board any project for funding or which proposes to contract with the Board for provision of goods or services.

The provisions of this Section shall apply to projects, grants, and contracts when the Board is a party regardless of whether the funds in question are public funds or funds received by the Board from private sources.

5. Be accountable to the general public for competent, conscientious, and effective accomplishment of its obligations as a body.
6. Monitor and regularly discuss the Board's own processes and performance. Ensure the continuity of Board actions through some systematic treatment of its own institutional memory.
7. Be an initiator of policy, not merely a reactor to staff initiatives. The Board, not the staff, will be responsible for Board performance.
8. Periodically review the Board's policy on which Board members communicate directly with the public and/or media.
9. While recognizing that vigorous debate is healthy to the governing process the Board shall be conscientious in presenting a unified vision to all community stakeholders.
10. Aggressively seek, identify, and employ as our own appropriate Best Practices found in similar Parks systems that will distinguish Lake Metroparks as one of the nation's best.
11. Be respectful to maintain the confidential nature of all Board deliberations in Executive Session.

12. Acknowledge the importance of the delegation of the Board's authority to the Executive Director. To accomplish this and to promote accountability and teamwork, individual Board members shall refrain from direct contact concerning matters of a management or executive nature with subordinate staff and shall direct their communications through the Executive Director unless otherwise agreed to.

BOARD JOB CONTRIBUTION

The "job contribution" of the organization as a whole is to achieve its mission in ethical and prudent ways. The job of the Board is to make certain contributions which lead the organization toward achieving its goals. The Board's own contributions are unique to its trusteeship role and necessary for proper governance and management. Consequently, the "products" or job contributions of the Board shall be:

1. Functioning as the link between the organization and the public.
2. Write governing policies which, at the highest levels, address:
 - A. "Results and Priorities" or organizational products, impacts, benefits, and outcomes.
 - B. Carefully defining staff authority.
 - C. Insuring appropriate governance and oversight without meddlesome intervention in operational activity.
 - D. Board-staff relationship.
3. The assurance of staff performance and proper evaluation of same.
4. Protection of all stakeholder especially taxpayer interests.
5. The naming of parks, areas, and facilities.
6. Financial support of the Park District in its various fund raising activities.

DELEGATION TO THE EXECUTIVE DIRECTOR

The Board job is generally confined to establishing topmost policies, leaving daily implementation to the Executive Director. The Board shall establish such broad policies and guidance as is necessary to direct the Executive Director to achieve certain results. The Executive Director shall act within acceptable boundaries of prudence and ethics. All Board

authority delegated to staff is delegated through the Executive Director, so that clear lines of accountability and predictability of management can be maintained.

1. The Executive Director is authorized to establish all administrative policies, make all decisions, take all actions, and develop all activities consistent with Board policy. This does not prevent the Board from obtaining information about activities in the delegated areas.
2. No individual Board member, officer, or committee has authority over the Executive Director or the staff. No individual Board Member may direct or instruct individual staff members unless otherwise discussed with the Executive Director. Information and non-management matters, of course, may be discussed or requested by such parties, but if the Executive Director determines that such a request involves an administrative, management, or policy decision it shall be referred to the Board as a whole for disposition as the Board may deem appropriate.
3. Acting within the blanket authority granted in Section #1 above, the Executive Director may not perform, allow, or cause to be performed any act which is unlawful or insufficient to meet commonly accepted business and professional ethics or the "prudent person" test, in violation of funding source requirements or regulatory bodies, or contrary to explicit Board policy.
4. Should the Executive Director violate a Board policy or have knowledge of such a violation, she or he shall inform the Board as soon as practicable. Informing the Board is simply to guarantee that no violation may intentionally be kept from the Board and does not exempt the Executive Director from subsequent Board action.
5. The Executive Director is the only employee hired, disciplined, or fired by the Board. The Executive Director is the only employee to whom the Board issues direct instructions and upon whom the Board makes a performance evaluation.

MONITORING DIRECTOR PERFORMANCE

Monitoring Executive Director performance is synonymous with monitoring organizational performance. Monitoring will be as routine as possible.

1. The purpose of monitoring is simply to determine the degree to which Board policies are being fulfilled by all employees of the District.
2. A given policy may be monitored in one of three ways:
 - A. Executive report: Disclosure to the Board of compliance information from the Executive Director.

- B. External report: Discovery of compliance information by a disinterested, external auditor, inspector, or judge who is selected by and reports directly to the Board. Comparison of actual performance as contrasted with the pursuit of previously identified Best Practices is one example of seeking the highest standards and performances for the System.
 - C. Discovery of compliance information by the Board as a whole. This is a direct inspection of organizational documents, activities, or circumstances, which allows a "prudent person" test of policy compliance.
3. The Board may monitor compliance of any policy at any time by any of the above methods. Routine monitoring, however, will occur as follows:
- A. Staff Treatment
 - B. Budgeting
 - C. Financial Condition
 - D. Communication & Counsel
 - E. Emergency Executive Succession
 - F. Asset Protection
 - G. Compensation and Benefits
 - H. Public Communications
 - I. Board Relationship with Volunteer Groups
 - J. Safety

STAFF EXPECTATIONS

With respect to treatment of paid and volunteer staff, the Executive Director may not cause or allow conditions which are illegal, inhumane, unfair, or undignified. Accordingly, the Executive Director may not:

- 1. Discriminate among employees on any basis;
- 2. Fail to establish an affirmative action program;
- 3. Subject staff to unsafe or unhealthy conditions;
- 4. Withhold from staff a grievance procedure able to be used without bias.

Every staff must be assured that should they know, discover, or have reason to believe, that there exists egregious activities of their superiors or others in position of authority within the Parks System that they may speak directly with the Board of Commissioners or the Commissioners' Legal Counsel.

BUDGETING

With respect to executing and planning fiscal operation, the Executive Director may not jeopardize either programmatic or fiscal integrity of the organization. Accordingly, he or she may not cause or allow budgeting or other financial commitments which:

1. Plans the expenditure from the general fund in any fiscal year of more funds than are conservatively projected to be available in the year from:
 - a. Tax Levies
 - b. Local Government Allocation
 - c. Grants
 - d. Interest
 - e. Operation receipts
 - f. Unencumbered prior year balances
2. Deviates materially from Board-stated and or approved priorities in the allocation of funds for competing budgetary needs.
3. Postpones needed capital improvements and major maintenance when a balance is projected for the current year-end.
4. Budgets more operations than projected for current year revenues.
5. Exceeds Board approved budgeted expenditures for capital and/or operating expenses without prior Board approval.
6. Deviates from appropriate procurement rules or guidelines established by the Board, the State of Ohio or generally accepted accounting principles.

FINANCIAL CONDITIONS

With respect to the actual ongoing condition of the organization's financial health, the Executive Director may not cause or allow the development of fiscal jeopardy or loss of allocation integrity. Accordingly, he or she may not:

1. Expend more funds than the sum of the funds received from taxes and other revenue sources in the fiscal year to date, plus unencumbered prior year balances, plus Board approved bonds or bond anticipation notes.
2. Indebt the organization in an amount beyond the accounts payable.
3. Allow cash to drop below the amount needed for payroll and debt servicing in a timely manner.
4. Allow actual allocations to deviate materially from Board-stated and or approved priorities.
5. Engage in any form of 'self-dealing' where the use of District assets, information, procurement practices, or any other activity involving the Park District may result in personal benefits or the appearance of personal benefits accruing to the Executive Director.

COMMUNICATION AND COUNSEL TO THE BOARD

With respect to providing information and counsel to the Board, the Executive Director may not cause or allow the Board to be uninformed or misinformed. Accordingly, he or she may not:

1. Let the Board be unaware of relevant trends, public events of the organization, or material external or internal changes. Such changes in particular include changes in the assumptions upon which any Board policy has been previously established or events/accidents that could lead to significant public concern and/or media attention.
2. Fail to submit appropriate or requested monitoring data in a timely, accurate, and understandable fashion, directly addressing provisions of the Board policies being monitored.
3. Fail to marshal as many staff and external points of view, issues, and options as needed for responsibly informed Board choices.

ASSET PROTECTION

With respect to proper stewardship of the district's assets, the Executive Director may not risk losses beyond those necessary in the normal course of business. Accordingly, he or she may not:

1. Fail to insure against casualty and liability losses equivalent to standards in comparable organizations.
2. Allow only bonded personnel access to material amounts of funds.
3. Subject plant and equipment to improper wear and tear or insufficient maintenance.
4. Unnecessarily expose the organization, its Board, or its staff to claims of liability.
5. Make on his or her own authority any purchase greater than the amount as defined by Article X of the By Laws.

COMPENSATION AND BENEFITS

With respect to employment, compensation and benefits to employees, consultants, contract workers, and volunteers, the Executive Director may not cause or allow jeopardy to fiscal integrity or public image. Accordingly, he or she may not:

1. Change his or her own compensation and benefits as established by the Board.
2. Establish any compensation and benefits schedule which:
 - A. Deviate materially from the geographic or professional market for the skills employed and the adopted pay scale created for valuing jobs and their ranges of compensation.
 - B. Create obligations over a longer term than revenues can be safely projected.
3. Allow personnel records associated with compensation, benefits or performance to be shared with inappropriate individuals.

PUBLIC COMMUNICATIONS

With respect to providing information to the public, the Executive Director shall utilize information resources to inform the Park District's constituency of regulations, program opportunities, or significant changes that would affect public use of Lake Metroparks.

Additionally, the Executive Director (or his designee) shall be the public spokesperson for the Park District.

RECEIPT

The undersigned hereby acknowledges receipt of the Regulations that deal with conflict of interest.

Dated: _____

Signature

Printed Name

RECEIPT

The undersigned hereby acknowledges receipt of the Regulations that deal with conflict of interest.

Dated: _____

Signature

Printed Name

*DUPLICATE
Please keep this copy for your records*

EXHIBIT G



Chester Township

Founded 1801

12701 CHILICOTHE ROAD CHESTERLAND, OHIO 44026

(440) 729-7058

FAX (440) 729-3679

FISCAL OFFICER

Craig S. Richter

BOARD OF TRUSTEES

W.L. Bud Kinney
Michael J. Petruzzello
Ken Radtke, Jr.

April 1, 2014

Park Commissioner Lance Yandell
Park Commissioner Joseph Welss, Jr.
Park Commissioner Clay Lawrence
Park Board Administrative Assistant Peggy Vitale
Chester Township Park Board
12701 Chillicothe Road
Chesterland, OH 44026

SUBJECT: Funding of the Chester Park Board

Dear Park Commissioners:

In no way shape or form do we, the Board of Trustees, wish to hinder the operations of the Park Board or your ability to maintain the usage of the Park for this season. In light of the fact that there is a pending investigation being done by the newly appointed Master Commissioner by Probate Judge Grendell, it is my recommendation that it would be best to proceed in the following manner for funding, should the Board of Trustees pass a motion at their April 3, 2014 meeting to adopt the procedure:

- Once you have identified a project and obtained quotes, you will need to provide to the Board of Trustees a copy of the motion that you have passed to include the project description, along with the quotes that have been received.
- At that time the Board of Trustees will make a motion for such funding and if approved by the Trustees, a distribution for the funds will be made to the Park Board for this specific project. The Park Board will pay the bills as they come in.
- For example, the Park landscaping bid that was just quoted; a bid in the amount of \$12,800 is the one that you have chosen. A motion to approve the funding will be on the Board of Trustees' agenda, and if passed by the Trustees, the funds will be appropriated. The Park Board will use these funds for that specific purchase order, and all payments will be paid by the Park Board.

April 1, 2014

SUBJECT: Funding of the Park Board

Page 2

- When a new project is ready to start, the Board of Trustees will need copies of the Park Board motion for such expenditure, and all quotes associated to the expenditure. Once these are presented to the Board of Trustees, we will make a motion to make distributions to the Park District, which means that whatever funds the Park Board needs will be distributed as needed once approved by the Board of Trustees. The Park Board will make the payments from its checking account.
- As for having any meetings concerning the relationship between the Park Board and Trustees as requested in an email from Lance Yandell, this will be put on hold and the communications between both parties will remain as we had agreed upon, with all information or communications between Mr. Joe Weiss and me.

Once the final report is completed by the Master Commissioner, the Board of Trustees will then review the findings and proceed with whatever actions are recommended.

Should you have any questions or concerns, please feel free to contact me.

Respectfully,



Michael J. Petruzello
Chester Township Board of Trustees

Cc: Honorable Probate Judge Tim Grendell
Chester Trustee Ken Radtke
Chester Trustee Ward Kinney
Fiscal Officer Craig Richter
Master Park Commissioner Mary Jane Trapp
County Prosecutor Bridey Matheney

EXHIBIT H



**COURT OF COMMON PLEAS
PROBATE / JUVENILE DIVISION
GEAUGA COUNTY**

TIMOTHY J. GRENDALL -- JUDGE

Courthouse Annex, 2nd Floor
231 Main Street, Suite 200
Chardon, Ohio 44024
Voice: 440-279-1830
Fax Probation: 440-285-5025
Fax Court: 440-285-8751

RECEIVED
APR 04 2014
TOWNSHIP HALL

Via Fax and Regular Mail

April 3, 2014

Trustee Ward Kinney
Trustee Mike Petruziello
Trustee Ken Radtke
Chester Township Trustees
12701 Chillicothe Road
Chesterland OH 44026

RE: Chester Township Park District

Dear Chester Township Trustees:

It has come to my attention that you have placed an item on your agenda for tonight's meeting that would authorize the hiring of temporary help in the Road Department to, in part, provide restroom cleaning, trash receptacle emptying, and playground, park facilities, and general park maintenance. The proposed resolution states "The work will be done on an as-needed basis between the months of April and October 2014."

While the Township Trustees certainly have the legal authority to hire employees for the Township's Road Department, the Trustees have no legal authority over the maintenance and operation of the township park, that includes no authority over maintenance of the park facilities and playground equipment.

As you know, the township park district is a body politic and corporate. See R.C. 1545.07. The park district board, as the governing body of the park district, has exclusive authority over the maintenance and operation of the park district's properties and facilities, including, without limitation playground equipment.

With this in mind, I hope that you will reconsider and remove the ultra vires portion of your proposed resolution (i.e. the portion dealing with the township park) so that your action comports with Ohio law. Such corrective action will avoid the need for any judicial involvement to assure compliance with Ohio law and prevent unlawful interference with the authority of the park district.

Your consideration is warranted and appreciated.

Sincerely,



Judge Timothy J. Grendell

cc: Bridey Mathoney, Assistant Prosecutor
Craig Richter, Township Fiscal Officer
Chester Township Park Board

EXHIBIT I

BY LAWS

of

CHESTER TOWNSHIP PARK DISTRICT

BOARD OF COMMISSIONERS

ARTICLE I

POWERS AND PURPOSE

Section 1. Powers. The Board of Park Commissioners of the Chester Township Park District shall possess all of the powers and shall be subject to all of the responsibilities conferred on it by Chapter 1545 of the Ohio Revised Code.

Section 2. Purpose. The purposes and duties of the Board of Park Commissioners of the Chester Township Park District shall be as follows:

- a. To review and study the recreation needs of the community at large.
- b. To develop recreational facilities on all lands under its jurisdiction and control.
- c. To promulgate rules and regulations pursuant to Ohio Revised Code Section 1545.09 as the Board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways and other reservations of land under its jurisdiction and control, and of property and natural life therein. The Board shall also adopt rules establishing a procedure for contracting for professional, technical, consulting and

other special services. The rules and regulations provided herein shall be published as provided in the case of ordinances or municipal corporations before taking effect.

- d. To review annually the recreational needs of the community, and to implement any necessary and practical changes in the use of and facilities on the lands so as to assure that the recreational needs of the community continue to be met as fully as possible.

ARTICLE II

ORGANIZATION

Section 1. Membership. The Board of Park Commissioners for the Chester Township Park District shall consist of the three (3) members appointed by the Geauga County Probate Judge pursuant to the provisions of Ohio Revised Code Section 1545.05 and the Geauga County Auditor and Treasurer, as ex-officio members, pursuant to the provisions of Ohio Revised Code Section 1545.22.

Section 2. Term of office. The original three (3) park commissioners appointed by the Geauga County Probate Judge shall take office immediately and their respective terms shall expire one (1), two (2) and three (3) years from the first day of January, 1985.

Thereafter, the successors to each expiring term of Park Commissioner shall be appointed by the Geauga County Probate Judge for a term of three (3) years, subject to taking an oath of office and providing a bond to the Geauga County Auditor for the faithful performance of the duties of the office in the sum of \$5,000.00.

Section 3. Service without compensation. All Park Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

Section 4. Removal and vacancy. Any Park Commissioner may be removed at the discretion of the Geauga County Probate Judge as provided in Ohio Revised Code Section 1545.06. In the case of removal or in the case of a vacancy occurring for any other reason, such vacancy shall be filled by the Geauga County Probate Judge by appointment for the unexpired term.

Section 5. Reappointment. Any member of the Board of Park Commissioners may be reappointed at the end of his term of service, if the Geauga County Probate Judge makes such reappointment.

ARTICLE III

OFFICERS

Section 1. Designation of officers. The officers of the Chester Township Park District shall be elected by members of the Board of Park Commissioners and shall be as follows:

- a. Chairman. The Chairman shall preside at all meetings, shall sign all documents authorized by the Board of Park Commissioners, shall make

all committee assignments, shall be responsible for all reports required by law, and generally perform all duties incident to such office.

- b. Clerk/Secretary. The Clerk/Secretary shall keep an accurate record of all meetings of the Board of Park Commissioners whether regular, special or emergency. He shall give all notices required by law and all notices required by the By Laws of the Chester Township Park District. He shall perform such duties as may be required by the Chairman or other members of the Board of Park Commissioners. At the expiration of his term of office, he shall deliver all books, papers or property of the Chester Township Park District to the Chairman, or his successor.
- c. Such other officers as may be necessary for the efficient conduct of the activities of the Chester Township Park District.

Section 2. Election of officers. The election of officers shall be held at the annual meeting of the Chester Township Park District or at a special meeting called for that purpose. The election shall be by a majority vote of the members of the Board of Park Commissioners for the nominees to the respective offices. Balloting shall continue until a majority vote is obtained from the members for each office.

Section 3. Employment of other persons and purchase of goods. The Board of Park Commissioners may employ a secretary and such other employees as are necessary in the performance of the powers conferred on the Board by Chapter 1545 of the Ohio Revised Code for the purpose of acquiring, planning, developing, protecting, maintaining and improving lands and facilities thereon under Ohio Revised Code Section 1545.11 and for other types of assistance which it finds necessary. In carrying out its duties, the Board of Park Commissioners may hire and contract for professional, technical, consulting and other special services and may purchase goods. In procuring any goods, the Board shall contract as a contracting authority under Ohio Revised Code Section 307.86 to 307.90 inclusive, to the same extent and with the same limitations as a Board of County Commissioners. In procuring services, the Board shall contract in the manner and under procedures established by the By Laws of the Board as required under Ohio Revised Code Section 1545.09.

Section 4. Police powers. The Board of Park Commissioners may designate certain employees as police officers to exercise police powers within and adjacent to the lands under the jurisdiction and control of such Board. Before exercising such power, such employees shall take an oath and give a bond to the state in such sum as the Board prescribes for the proper performance of their duties in such respect.

ARTICLE IV

MEETINGS

Section 1. Annual meeting. The annual meeting of the Chester

Township Park District shall be held at the Chester Township Town Hall on the third Thursday of January of each year at the hour designated in the written notice therefor.

Section 2. Regular meeting. The regular meeting of the Chester Township Park District shall be held at least once each month at the Chester Township Town Hall at the hour designated in the notice therefor. Written notice of the regular meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the regular monthly meeting.

Section 3. Special or emergency meeting. A special or emergency meeting of the Board of Park Commissioners may be held at any time upon call of the Chairman or a majority of the members of the Board of Park Commissioners. Written notice of a special meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the special meeting. However, written notice is not required for an emergency meeting.

Section 4. Quorum. A minimum of two (2) members constitute a quorum for the transaction of business at any meeting of the Board of Park Commissioners, and a vote of two (2) members present at the meeting shall be sufficient for conduct of Chester Township Park District business.

- a. No contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Geauga County Auditor

certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes. The accounts of the Board shall also be kept in the manner to be prescribed by the Bureau.

- b. The Board of Park Commissioners may acquire lands either within or without the Chester Township Park District for the purposes and in the manner prescribed by Ohio Revised Code Section 1545.11. The acquisition of such land will require a majority vote of the Board. The Board may also accept donations of money or other property, or may act as trustees of land, money or other property and use and administer the same as stipulated by the donor or as provided in the trust agreement, subject to approval of each donation or trust by the Geauga County Probate Judge before acceptance by the Board of Park Commissioners.

- c. The Board of Park Commissioners may sell and dispose of land it has acquired and which is not necessary for the purposes for which it was acquired with the approval of the Geauga County Probate Court as provided in Ohio Revised Code Section 1545.12. The Board may also lease or permit the use of any of its lands for purposes not inconsistent with the purposes for which such lands were acquired, and upon such terms as the Board deems advisable.
- d. Any contract for the purchase of goods, employment of personnel and for services shall require a majority vote of the Board.

Section 5. Public notice of meetings. All meetings of the Chester Township Park District shall conform to the notice requirements established by Ohio Revised Code Section 121.22 (also known as the "Sunshine Law") as follows:

- a. A schedule of the regular meetings of the Board, including information as to the time and place, shall be posted on a bulletin board located in an area accessible to the public at the Chester Township Town Hall. In the event of a cancellation or change of a regularly scheduled meeting date, the Board will make every reasonable effort,

including the use of newspaper notice, to notify all interested parties of such change. The newsmedia and persons requesting direct notification by the procedure established by these rules shall be notified individually of such change as soon as possible.

- b. When a special meeting of the Board has been scheduled, notice of such special meeting, including the information as to the time, place and purpose of the meeting, shall be posted on the public bulletin board in the Chester Township Town Hall. Notice of such meeting shall be mailed to all persons requesting such notification as provided by these rules. No special meeting shall be held unless at least twenty-four (24) hours advance notice has been given to the newsmedia that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency meeting, the member or members calling such a meeting, shall immediately notify the newsmedia that have requested notification of the time, place and purpose of the meeting.

- c. Any person may request reasonable advance

notification of all meetings of the Board including mailing of the agenda of the meeting, if requested. For this purpose such person shall provide the Board with a self-addressed and stamped envelope. In the case of a special or emergency meeting, the Board will make a reasonable effort to notify such persons by telephone if a mailed notice will not be timely.

- d. Any person or newsmedia desiring notification in accordance with these rules shall notify the Board in writing.
- e. The minutes of the regular, special or emergency meetings of the Board shall be promptly recorded and open to the public for inspection.

ARTICLE V

COMMITTEES

Section 1. Designation of committee members. The Chairman of the Board of Park Commissioners shall be responsible for the appointment of standing committee members, and for the creation of special committees and the appointment of their members.

Section 2. Standing committees. The Board of Park Commissioners shall act as a committee of the whole for all standing committees.

ARTICLE VI

RECORDS

Section 1. Custodian of records. The Clerk/Secretary of the Chester Township Park District shall be the custodian of all of the records of the Board of Park Commissioners excepting Board records which may properly be in the custody of the fiscal officer of the Board of Park Commissioners. The Board of Park Commissioners shall compile and publish reports and information relating to the Park District and other proceedings and functions of the Board, and shall keep an accurate and permanent public record of all of its proceedings.

Section 2. Records available to public. Any person upon written request to the Secretary or fiscal officer may examine the records of the Board of Park Commissioners if such request is made at least seventy-two (72) hours in advance of such examination.

ARTICLE VII

REPEAL AND AMENDMENT OF BY LAWS

Section 1. These By Laws may be repealed or amended by a majority vote of the Board of Park Commissioners at a meeting called for that purpose.

EXHIBIT J

AGREEMENT

WHEREAS, the Board of Township Trustees of Chester Township have the authority and responsibility to operate and maintain park lands within Chester Township; and,

WHEREAS, the Court of Common Pleas of Geauga County, Ohio, has approved the formation of a park district known as the Chester Township Park District and the boundaries of said park district contain all park lands within Chester Township; and,

WHEREAS, Ohio Revised Code Section 1545.14 permits the Board of Park Commissioners of a park district to agree and contract with public authorities in control of parks or park lands for the purpose of assuming control of all or a part of said park lands and using, developing, improving, and protecting said park lands;

NOW, THEREFORE, the Board of Township Trustees of Chester Township (Trustees) and the Board of Commissioners of the Chester Township Park District (Commissioners) agree as follows:

1. The Commissioners shall assume control of all parks and park lands owned by Chester Township and the Board of Township Trustees of Chester Township commencing April 5, 1985, and continuing for a period of one years.
2. The Commissioners shall use, operate, maintain, develop, improve and protect said park lands for the purpose of providing passive and active recreational facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Trustees, the Commissioners may enter into agreements with other political subdivisions including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, and Geauga County for the use and operation of the subject parks and park lands.
4. The Commissioners shall not construct or alter any permanent improvements on said parks or park lands without prior written approval from the ^{Trustees} Board. All plans, specifications and drawings shall be submitted by the Commissioners to the ^{Trustees} Board at least sixty days before commencement of any construction or alteration of permanent improvements. The Commissioners agree that the ^{Trustees} Board may refer any plans, drawings or specifications to the Chester Township Zoning Commission for advice and comment. The Commissioners agree that all construction and alterations of permanent improvements shall be so constructed or altered as to be in the spirit of the Chester Township Zoning Resolution.
5. Within 30 days of execution of this agreement, the Commissioners shall adopt rules and regulations for the use of said parks and park lands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities and shall prohibit the consumption of beer, wine and other alcoholic beverages.
6. The ^{Trustees} Board acknowledges that, upon execution of this agreement, control of said parks and park lands has been transferred to the Commissioners and the duty and authority to regulate the use of said parks and park lands lies with the Commissioners.

7. The Commissioners agree that no rangers or park officers shall be appointed by the Commissioners other than police officers employed by the Chester Township Police Department and that direction and control of said rangers or peace officers shall be within the authority of the Chester Township Police Department.

8. The Commissioners may not contract for or incur any debts which result or could result in liens on the parks, park lands or permanent improvements thereon without prior written approval of the Board. Such approval, shall be withheld by the Board, until it receives certification from the fiscal officer of the Chester Township Park District that the Commissioners and the Park District are in compliance with Ohio Revised Code Section 5705.41.

9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.

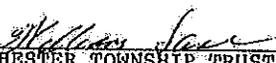
10. Upon expiration of the term of this agreement, the agreement shall renew for a period of five years, unless either party notifies the other of its intent to not renew the agreement. Such notification shall be delivered in writing to the chairman or clerk of said board or commission no later than ninety (90) days prior to expiration of this agreement.

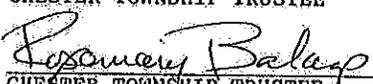
Either party may terminate this agreement prior to its expiration by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination; provided, such termination date shall be no earlier than ninety (90) days from delivery of said notice.

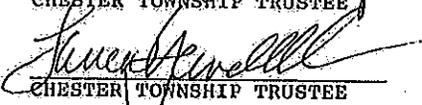
In the event that the Commissioners have incurred an indebtedness, the Commissioners may not terminate this agreement without providing sufficient proof that there are no liens on the parks, park lands, or permanent improvements and that all such indebtedness is properly secured.

11. Upon expiration or termination of this agreement as provided herein, control of all parks and park lands shall revert to the Board. All improvements on said parks and park lands shall be and remain the property of the Board with no compensation or reimbursement due or owing to the Commissioners.

EXECUTED this 4th day of April, 19 85.


CHESTER TOWNSHIP TRUSTEE


CHESTER TOWNSHIP TRUSTEE


CHESTER TOWNSHIP TRUSTEE

EXECUTED this 4th day of April, 19 85.

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

EXHIBIT K

AGREEMENT

Whereas, the Board of Township Trustees of Chester Township (hereinafter "Township") has the authority and responsibility to operate and maintain parklands within Chester Township; and,

Whereas, the Board of Commissioners of the Chester Township Park District (hereinafter "Park District") has previously entered into an agreement with the township for the purpose of using, developing, improving, and protecting parklands within Chester Township; and,

Whereas, it is the desire of the Township and the Park District to continue such agreement and relationship;

Now, therefore, the Board of Township Trustees of Chester Township (Township) and the Board of Commissioners of the Chester Township Park District (Park District) agree as follows:

1. The Park District shall continue to use, develop, improve, and protect all parks and parklands owned by Chester Township and the Board of Township Trustees of Chester Township for the term of this agreement.
2. The Park District shall use, operate, maintain, develop, improve, and protect said parklands for the purpose of providing passive and active recreation facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Township, the Park District may enter into agreements with other political subdivisions, including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, the Geauga County Park District, and Geauga County for the use and operation of the subject parks and parklands.
4. The Park District shall not construct or alter any permanent improvements on said parks or parklands without prior written approval from the Township. All plans, specifications, and drawings shall be submitted by the Park District to the Township at least sixty (60) days before commencement of any construction or alteration of permanent improvements. The Park District agrees that the Township may refer any plans, drawings, or specifications to the Chester Township Zoning Commission for advice and comment. The Park District agrees that all construction and alterations of permanent

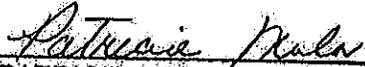
Improvements shall be so constructed or altered as to comply with and be in the spirit of the Chester Township Zoning Resolution.

5. The Park District has adopted and shall continue to adopt rules and regulations for the use of parks and parklands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities, and shall prohibit the consumption of beer, wine and other alcoholic beverages on parklands or facilities.
6. The duty and authority to regulate the use of parks and parklands lies with the Park District.
7. No rangers or park police officers shall be appointed by the Park District other than police officers employed by the Chester Township Police Department. Direction and control of such rangers or peace officers shall be within the authority of the Chester Township Police Department.
8. The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be withheld by the Township until it receives certification from the fiscal officer of the Park District that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.
9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.
10. The term of this agreement shall be for a period of five (5) years. Thereafter, the agreement shall renew on an annual basis unless either of the parties terminate the agreement as provided herein.
11. Either party may terminate this agreement prior to its expiration or the expiration of any renewal term by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination; provided, such termination date shall be no earlier than ninety (90) days subsequent to the delivery of such notice.

In the event that the Park District has incurred an indebtedness, the Park District may not terminate this agreement without providing sufficient proof that there are no liens on the parks, parklands, or permanent improvements and that all such indebtedness is properly secured.
12. Upon the expiration or termination of this agreement as provided herein, control of all parks and parklands shall revert to the Township. All improvements on said parks

and parklands shall be and remain the property of the Township with no compensation or reimbursement due or owing to the Park District.

Executed this 25th day of February, 1998


PATRICIA MULA
Chester Township Trustee


JAMES MONTAGUE
Chester Township Trustee


GLENN BATTLES
Chester Township Trustee


RICHARD J. MAKOWSKI
Park District Commissioner


AL DATTILO
Park District Commissioner

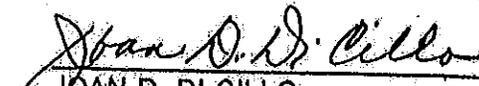

JOAN D. DI CILLO
Park District Commissioner

EXHIBIT L

EXHIBIT M