

METROPARKS OF BUTLER COUNTY
BOARD OF PARK COMMISSIONERS
REGULAR MEETING MINUTES
February 20, 2020

The MetroParks of Butler County Board of Park Commissioners met in regular session on Thursday, February 20, 2020, in the Welcome Center, Forest Run MetroPark, 1976 Timberman Road, Hamilton, Ohio 45013.

I. - Call to Order

The meeting was called to order at 8:30 a.m. by President Gregory T. Amend.

II. - Roll Call and Agenda

Members present for purposes of roll call were Park Commissioners Gregory T. Amend and Daryl Nelson. Cynamon T. Trokhan was absent.

The Board worked from the following agenda:

AGENDA

- I. **Call to Order –8:30 a.m.**
- II. **Roll Call**
- III. **Public Comment Regarding Agenda Items ***
- IV. **Approval of Minutes** - January 29, 2019, Regular Meeting
- V. **Consent Agenda ****
 - a. Financial Reports
 - (1) Donations Report
 - (2) Summary of Transfers and Budget Modifications
 - b. Schedule of Payables
 - c. Employment Activity Report
 - d. Special Event Contracts and VOA Athletic Complex Licenses
 - (1) Special Event Contracts and/or Associated Sales or Commercial or Other Permits
Pending Board Action – NONE
 - (2) Approved Special Event Contracts – NONE
 - (3) Approved VOA Athletic Complex License Contracts-Information ONLY
 - (a) Lakota Sports Organization/Lakota FC- Daily Use Contract-Variou
Dates/Times - January 1-December 31, 2020-VOA
 - (b) Lakota Lacrosse-Daily Use Contract-Variou Dates/Times January 1-December
31, 2020-VOA
 - e. Revised Procurement Policy
 - f. Ratify Third Amendment to Purchase and Sale Agreement - Hesselbrock Preserve
Acquisition

- g. Ratify Reimbursement Agreement with Happy Hill Farms LLC - Hesselbrock Preserve Acquisition
- h. Annual Disposition of Surplus and/or Unneeded MetroParks-Owned Personal Property - 2020 List
- i. Annual Report Regarding Issuance and/or Use of MetroBucks Coupons

VI. Old Business

- a. Monthly Public Safety Activity Summary Report
- b. Monthly Community and Enterprise Initiatives Summary Report
- c. Monthly Operational Services *with Status Chart*, Park Connections and Visitor Services Summary Reports
- d. Monthly Workplace Talent Management Summary Report
- e. Other – Miscellaneous from Board or Administration

VII. New Business

- a. Definition of Service Credit for the Purpose of Establishing Rate of Vacation Accrual - Employee Handbook
- b. Amend Intergovernmental Agreement with City of Hamilton - Re Gilmore Trail Project
- c. Special Resolution Directing Payment of Specific Late Fees or Charges, etc.
- d. Designation of Board Representative for the Purpose of Mediation
- e. Strategic Planning - Financial Analysis - Part I
- f. Other – Miscellaneous from Board or Administration

VIII. Executive Session

- a. Land Acquisition/Purchase and/or Sale of Real Property
- b. Personnel Matters – Employment and Compensation
- c. Pending Litigation

IX. Miscellaneous Relative to Executive Session**X. Adjournment**

III. - Public Comment Regarding Agenda Items

None.

IV. - Approval of Minutes

January 29, 2020, Regular Meeting

MOTION: To approve the minutes of the January 29, 2020, Regular Meeting as presented by staff to the Board. Mr. Nelson moved, seconded by Mr. Amend. *Motion No. 07.20*
(see documents in Proceedings Book)

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

V. - Consent Agenda

MOTION: Following discussion, to enact the **blanket approval, acceptance, acknowledgment of receipt, and/or ratification of all items listed** in the Consent section of the meeting agenda for the February 20, 2020, Board meeting; including, but not limited to, motions listed and any modifications to those motions made during this meeting; including any actions on budget modifications (account transfers within a Fund) and/or changes to employee status or compensation previously taken by the Executive Director and the Executive Director's previous actions related to payments and/or contracts all as recorded in the minutes adopted by the Board or on documents referred to in these minutes hereinafter, **including Agenda Items V.a. through V.i.** (a.k.a. the Consent Agenda); and finally, instructing the Executive Director to take such actions as are necessary to implement the intent of the Board in any and all of these matters. Mr. Nelson moved, seconded by Mr. Amend.

Motion No. 08.20

(see documents in Proceedings Book)

Vote: Mr. Amend - Aye
 Mr. Nelson - Aye
 Ms. Trokhan - Absent

The President declared the motion carried unanimously.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that Board approval, ratification and/or acknowledgment of receipt is required for most items included on the Consent Agenda section of the meeting agenda if only so that the official record reflects Board intent and/or compliance with internal and external rules or policies. However, any Consent agenda item may be removed from group approval at the request of any Board Member and considered separately.

V.a. - (1) Donations Report - Approved - no separate action.

V.a. - (2) Summary of Transfers & Budget Modifications - Approved - no separate action.

V.b. - Schedule of Payables - Approved - no separate action.

V.c. - Employment Activity Report - Approved - no separate action.

V.d. - Special Event Contracts & VOA Athletic Complex Licenses Approved by Administration & Provided for the Official Record - **Approved - no separate action on items in the V.d. section.**

To ratify and place on file:

- (1) Special Event Contracts and/or Associated Sales or Commercial or Other Permits
 Pending Board Action – NONE
- (2) Approved Special Event Contracts – NONE
- (3) Approved VOA Athletic Complex License Contracts-Information ONLY
 - a. Lakota Sports Organization/Lakota FC- Daily Use Contract-Variou Dates/Times
 January 1-December 31, 2020-VOA
 - b. Lakota Lacrosse-Daily Use Contract-Variou Dates/Times January 1-December
 31, 2020-VOA

V.e. Revised Procurement Policy

MOTION: To approve and adopt the revised Procurement Policy dated February 17, 2020, as presented to the Board of Park Commissioners by Administration staff, effective immediately. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters.

(Adopted as part of blanket approval of Consent Agenda)

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that State law, Auditor of State, and the County Auditor control many of the processes MetroParks must employ in order to be able to legally expend public funds. He said that it's up to the MetroParks to insure that its employees know what is required and that the procurement policy is designed to perform that function. He noted that the internal policy which governs the process of purchasing, ordering and receiving by employees had not been updated since 2014 and did not address changes to conditions and staff deployment which have occurred over the years. He noted that the policy had been revised to cover the changed circumstances and to improve clarity, adding that Supervisor of Financial Services Yamini Patel had reviewed and edited the document, which had been presented to the Board, and would be present at the meeting to answer any questions the Board may have.

V.f. Ratify Third Amendment to Purchase and Sale Agreement - Hesselbrock Preserve Acquisition

MOTION: To ratify and approve for the record the Third Amendment to a Purchase and Sale Agreement for the acquisition of the future Carl Hesselbrock Preserve as presented to the Board which had previously been executed by the Executive Director, thereby extending the purchase date, etc. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters. (Adopted as part of blanket approval of Consent Agenda)

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that the seller has experienced an unexpected delay in acquiring necessary amendments to the current easements on the property, noting that the current easements conflict with the future purpose for the land and the conditions of the grants with which MetroParks must employ to purchase the property. He added that best practices related to the purchase of real estate and use of grant funds to do so make Board action to ratify the activities of the Executive Director in cases such as this expedient. The Third Amendment to the Agreement had been provided to the Board in the pre-meeting Board packet.

V.g. Ratify Reimbursement Agreement with Happy Hill Farms LLC - Hesselbrock Preserve Acquisition

MOTION: To ratify and approve for the record an agreement between Happy Hill Farms LLC and MetroParks as presented to the Board which had been previously executed by the Executive Director, thereby committing to reimburse the sellers (Happy Hill Farms) for certain costs relative to and subject to the acquisition of the future Carl Hesselbrock Preserve. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters.

(Adopted as part of blanket approval of Consent Agenda)

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that in order to facilitate the pursuit of certain unexpected costs which will likely be charged the sellers relative to facilitation and implementation of necessary amendments to the existing Agricultural Conservation Easements currently in place on the lands of the future Carl Hesselbrock Preserve, the MetroParks has committed to pay up to \$5,000.00 to the sellers as a reimbursement of actual costs. He noted that best practices indicate the Board should officially act to ratify the actions of the Executive Director relative to the purchase of real estate. The Reimbursement Agreement had been provided to the Board in the pre-meeting Board packet.

V.h. Annual Disposition of Surplus and/or Unneeded MetroParks-Owned Personal Property - 2020 List

MOTION: Having found that the items on the list dated 2/14/2020, which has been presented to the Board by Administration, are no longer needed for the purposes for which they were acquired by the MetroParks, I move to declare them surplus and authorize the disposition of these items and materials by public internet-based auction, sealed bid, or if not disposed of in any such manner, by other legal, efficient, and public means deemed by the Executive Director (or his designee) to provide the most value to the MetroParks. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in this matter.

(Adopted as part of blanket approval of Consent Agenda)

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that he recommended the Board authorize the disposition of the items listed through the means indicated above. He said that pursuant to standing arrangements, items deemed as having any potential for sale will be offered through the GovDeals internet auction site, noting that some items with no value may be scrapped or sent out for recycling or, if necessary, the landfill. Manager of Financial Services Yamini Patel, whose team coordinates inventory control, compiled the list with the assistance of various other

VI.c. - Monthly Operational Services with Status Chart, Park Connections and Visitor Services Summary Reports

Discussion During the Meeting: In addition to providing the monthly Operational Services with Status Chart, Park Connections, and Visitor Services Summary Report which had been included in the Board's pre-meeting packet for this meeting, Deputy Director Chad Smith said that 32 applications to perform at Hump Day Concerts had been received and 12 concert events are scheduled for 2020 pursuant to a sponsorship agreement with UC Health - West Chester Hospital. 300-400 people regularly attend each. (see document in Proceedings Book)

VI.d. - Monthly Workplace Talent Management Summary Report

Discussion During the Meeting: Supervisor of Workplace Talent Management Jaime Kimbrough had submitted the monthly Division Report for the Workplace Talent Management Division which had been included in the Board's pre-meeting packet for this meeting. (see document in Proceedings Book)

VI. e. - Other – Miscellaneous from Board or Administration

There were no items/topics discussed or acted upon by the Board in this section of the meeting agenda.

VII. New Business

VII.a. Definition of Service Credit for the Purpose of Establishing Rate of Vacation Accrual - Employee Handbook

MOTION: To authorize the Executive Director to define all prior service for the purpose of establishing the rate of vacation accrual pursuant to his recommendation to the Board, and to insert that definition in the MetroParks Employee Handbook, thereby making that definition part of the official policy of the Board. And further, to stipulate that such definition be applied to any request for recognition of prior service filed with the MetroParks on or after February 20, 2020. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters. Mr. Nelson moved, seconded by Mr. Amend.

Motion No. 9.20

(see documents in Proceedings Book)

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

Discussion During the Meeting: Mr. Granville said that he thought that as currently written, the policy was too open ended and he was recommending Board adoption of clarifying language and inserting it into all MetroParks Employee Handbooks.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that two employees who in 2019 were promoted to positions which under MetroParks policies might enable them to qualify for prior service credit for their previous work at a State university for the purpose of determining (increasing) the rate of paid vacation leave earned at MetroParks have applied for such recognition. However, Mr. Granville continued, in verifying the prior service, the university indicated that both were ineligible to accrue paid vacation at the university due to their position status there. Mr. Granville noted that unlike the policies of most public employers, our Employee Handbook indicates that all prior work, whether qualifying at the previous public employer for the same vacation accrual benefit or not, should be counted upon employee request and verification. Mr. Granville commented that he believed this to be unreasonably broad.

Mr. Granville said that if the Board believed that all prior service at another public employer should be counted, no action was necessary. However, since most employers would find MetroParks' acceptance of any prior service as too liberal and since even most local public employers would not recognize prior employment service credit from a previous public employer where the employee did not qualify for vacation leave at all, if the Board discussion directed to define "all" prior service, he would, with the assistance of counsel, draft and insert in our employee handbook the Caveat that the previous public employer or employers must itself/themselves have recognized the service as qualifying for vacation leave for the same work in order for it to qualify at MetroParks for the purpose of determining the rate of paid vacation leave. Mr. Granville continued saying that whether the effective date of such new definition should be November 30, 2019, (retroactive) thereby denying the pending requests, or February 20, 2020 (proactive), thereby approving the pending requests, required Board input. In fairness to the employees who have submitted requests, he said he recommended the February 20, 2020, effective date which would grant the pending requests but would stop similar requests in the future. Page 42 showing current language from the MetroParks' Employee Handbook and sample verification letters from previous public employers with employee names redacted had been provided to the Board in the pre-meeting Board packet.

VII.b. Amend Intergovernmental Agreement with City of Hamilton - Re Gilmore Trail Project

MOTION: To adopt and approve an amendment to the Intergovernmental Agreement (the First Amendment) between the City of Hamilton and MetroParks of Butler County as presented by MetroParks Administrative Staff for the purposes of facilitating the construction of the Miami 2 Miami Trails, the removal and/or relocation of City underground utilities, and the repair of a breach in the dike of the Old Miami and Erie Canal, all located at or adjacent to

Gilmore MetroPark. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters. *Motion No. 10.20*

Mr. Nelson moved, seconded by Mr. Amend. (see documents in Proceedings Book)

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

Discussion During the Meeting: Park Planner/Project Manager Matt Latham said that the City of Hamilton is planning to fix the hole in the Old Canal Dike at the City's expense.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that as explained above and on the City documents attached, a First Amendment of the Intergovernmental Agreement was necessary at this time. He said that the Amendment is primarily needed because it will enable the repair of the hole in the Old Canal Dike which negatively impacts the County Airport. He noted that repair will satisfy a requirement of the Butler County Commissioners and thereby facilitate the granting of necessary trail easements on adjacent County-owned lands. He noted that authority to approve the amendment is a function exclusive to the Board of Park Commissioners rather than MetroParks staff. Hamilton City Resolution R2020-2-8 with Map Exhibits had been provided to the Board in the pre-meeting Board packet.

VII.c. Special Resolution Directing Payment of Specific Late Fees or Charges, etc.

MOTION: To adopt and approve the special resolution regarding the payment of late fees as presented by Administrative Staff. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters.

Mr. Nelson moved, seconded by Mr. Amend. (see documents in Proceedings Book) *Motion No. 11.20*

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

Discussion During the Meeting: Executive Director Granville commented that he had spoken to Chief Assistant County Prosecutor Dan Ferguson and that Ferguson had advised that MetroParks efforts to avoid late fees were, in his opinion, sufficient and that the resolution placed before the Board for approval at the current meeting was adequate to resolve the matter.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that the County Auditor has issued a directive relative to the payment of late charges. He said that although many vendors have forgiven late charges when requested by the MetroParks, despite a determined effort by MetroParks staff to verify and process invoices promptly, the cumbersome processes of government (including delays at the County Auditor's Office itself) occasionally results in the assessment of late fees which the vendor (usually a utility company) will not waive. He noted that this occasionally occurs at the end of a year when the County Auditor's payables processing staff shuts down the system for two weeks in order that they may switch over to a new year.

Mr. Granville said that the Board should note that there is a risk that the Auditor of State's Office may deem such payments as improper and seek to recover funds spent on late fees or finance charges, etc., that it determines were preventable and unnecessary. Mr. Granville said he believed MetroParks can demonstrate that the MetroParks has done its best (short of employing its own Treasurer) to tighten up its end of the payment process and that the late fees listed on the special resolution are immaterial, are/were unavoidable and that their payment is necessary to fulfill a proper public purpose.

He further added that the Auditor's Office will not pay late fees or similar charges without specific Board action directing him to pay and absolving him of any responsibility for making such payments should a finding for recovery be issued by the State. A Resolution and material bearing on late fee causes and the necessity for payment had been provided to the Board in the pre-meeting Board packet.

VII.d. Designation of Board Representative for the Purpose of Mediation Strategic Planning - Financial Analysis - Part I

MOTION: To adopt and state for the record that MetroParks and its Board hereby designate Jonathan Granville as their representative for the purposes of all negotiations at a mediation to be held in the case of Bower v. MetroParks, et al., and hereby imbue him with full settlement authority subject only to the advice and consent of the Board in the form of a formal resolution adopting any agreement in principle reached by him, which consent shall not be unreasonably withheld. Further, that the Executive Director is instructed to take such actions as are necessary to implement the intent of the Board in these matters. *Motion No. 12.20*
Mr. Nelson moved, seconded by Mr. Amend. (see documents in Proceedings Book)

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that Counsel had recommended the above Board action and had provided the language for the same.

VII.d. - Strategic Planning - Financial Analysis - Part I

Discussion During the Meeting: There was discussion of MetroParks' current bond debt, various property purchase possibilities, and how and when to pay the remaining three payments owed to the Carl Stander Trust. It was noted that the current MetroParks levy expires in 2022.

In written information about this agenda item that had been prepared and provided to the Board in the current pre-meeting information packet, Mr. Granville wrote that as planned, Part 1 of a 3-part review and discussion regarding the current financial status of the MetroParks would occur at the February 20, 2020, Board meeting.

VII.e. - Other – Miscellaneous from Board or Administration

Authorization to Submit a Grant Application to ODNR

*Discussion During the Meeting: Park Planner/Project Manager Matt Latham distributed copies of a draft Resolution "**Authorizing the Submission of a Grant Application Requesting Funding from the Ohio Department of Natural Resources Waterways Safety Fund Paddling Enhancement Grant Program for an Accessible Boat Launch Facility at Voice of America MetroPark, etc.**"*

Mr. Nelson moved, seconded by Mr. Amend, to approve this Resolution.
(see documents in Proceedings Book)

Motion No. 13.20

Vote: Mr. Amend - Aye
Mr. Nelson - Aye
Ms. Trokhan - Absent

The President declared the motion carried unanimously.

VIII. - Executive Session

MOTION: To enter into Executive Session at 9:20 a.m., Mr. Nelson moved, seconded by Mr. Amend, for the purpose of discussions involving:

- a. Land Acquisition/Purchase and/or Sale of Property
- b. Personnel Matters – Employment and Compensation
- c. Pending Litigation

and to call for a roll call vote in order to do so.

Motion No. 14.20

Vote: Mr. Amend - Aye
 Mr. Nelson - Aye
 Ms. Trokhan - Absent

The President declared the motion carried unanimously.

The Board returned from Executive Session at 10:25 a.m.

IX. - Actions Relative to Executive Session

None. No Board action was taken following Executive Session other than Adjournment.

X. - Adjournment

MOTION: To adjourn the meeting at 10:26 a.m., Mr. Nelson moved, seconded by Mr. Amend.
Motion No. 15.20

Mr. Amend - Aye
 Mr. Nelson - Aye
 Ms. Trokhan - Absent

The President declared the motion carried unanimously.

Adoption: The above minutes are a true and accurate record of the meeting as adopted by the Board of Park Commissioners, MetroParks of Butler County.

Approved:

Attest:

Presiding Officer of the Board

Executive Director/Secretary

Date

Title

<p>Unless rescheduled or relocated, the next regular business meeting of the Board of Park Commissioners is scheduled for 8:00 a.m. on Thursday, March 19, 2020, in the Trophy Room - Ronald Reagan Lodge - Voice of America MetroPark, 7850 VOA Park Drive, West Chester Township, OH 45069-2938.</p>
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