



Board of Park Commissioners
Bruce G. Rinker, President
Debra K. Berry, Vice President
Dan T. Moore, Vice President
Chief Executive Officer
Brian M. Zimmerman



5-time winner

August 16, 2023

Office of the President of Council
Juanita Gowdy, President
CITY OF EAST CLEVELAND
14340 Euclid Avenue
East Cleveland, Ohio 44112

Re: August 14, 2023 Letter

Dear Council President Gowdy:

On today's date, I received your letter dated August 14, 2023 which contains multiple errors and omissions ("Letter").

First, the Letter refers to at least three attachments which were not attached. Please forward them to me so that I can review them.

Next, the statement and information provided by Rose Fini, Cleveland Metroparks Chief Legal & Ethics Officer noted in the Letter are completely accurate. CLEVELAND METROPARKS IS NOT IN RECEIPT OF \$2,000,0000 FROM THE CITY OF EAST CLEVELAND. This fact has also been confirmed by Cleveland Metroparks Chief Financial Officer, Wade Steen. No Cleveland Metroparks employee picked up and signed for Check No. 120159 which the Letter indicates is for \$2,000,000.

On July 5, 2022, East Cleveland City Council unanimously adopted Resolution 55-22 (the "Resolution") by an affirmative vote of yourself, Councilor Korean Stevenson, Councilor Patricia Blochowiak, Councilor Ernest Smith, and Councilor Nathaniel Martin. The Resolution is attached for your reference. The Resolution invited Cleveland Metroparks into a "partnership with the City... for the restoration and management of the 175.6 acres remaining of the donated Rockefeller estate and which comprises the City's Forest Hill Park." Section 2 of the Resolution states, "[t]hat the use of the City's Fund Payment [ARPA dollars] for Cleveland Metroparks' expenses authorized by this resolution shall not exceed \$2,000,000 and shall be paid from the Fund Payment and from any other funds that are appropriated for this purpose as determined by the City Auditor."

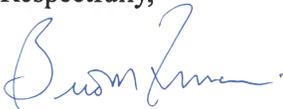
While the language of the Resolution authorizes the City of East Cleveland to pay Cleveland Metroparks up to \$2,000,000 for expenses related to Forest Hill Park restoration and management work, Cleveland Metroparks believed that the next best step was for the execution of a lease agreement between the City of East Cleveland and Cleveland Metroparks. Consequently, on March 20, 2023, Ms. Fini sent the East Cleveland Administration a draft lease agreement for Cleveland Metroparks to manage Forest Hill Park. Since that time, Cleveland Metroparks has patiently awaited its review and approval. In late April 2023 in anticipation of the execution of the lease agreement, the East Cleveland administration asked Cleveland Metroparks to submit an invoice for \$2,000,000. Cleveland Metroparks complied with that request and submitted Invoice No. 3147 on May 4, 2023; however, no Cleveland Metroparks staff picked up any check from East Cleveland even though the East Cleveland Administration asked us to do so. Cleveland Metroparks' position is that we would not collect any payment until a lease agreement was approved by City Council and executed by the Mayor of East Cleveland.

Juanita Gowdy, President
August 16, 2023
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Upon receipt of your letter today, I reached out to East Cleveland Mayor Brandon King and inquired about the status of the \$2 million check. He confirmed that the check is at City Hall and sent me copies of the uncashed check which is attached for your reference.

Cleveland Metroparks was excited about being invited in to be a partner to help revitalize Forest Hill Park. However, at this juncture, given the gravity of the unfounded allegations levied in the Letter against an entity that you invited to be a "partner," I am disappointed to inform you that Cleveland Metroparks will no longer be able to enter into a lease agreement to manage Forest Hill Park for your community.

Respectfully,



Brian M. Zimmerman
Chief Executive Officer

Copy: East Cleveland City Council
Brandon King, East Cleveland Mayor
Keith Faber, Ohio Auditor of State
Gregory Nelsen, FBI Special Agent in Charge
Michael O'Malley, Cuyahoga County Prosecuting Attorney
Barbara Mattei-Smith, Financial Planning & Supervision Commission
Board of Park Commissioners of the Cleveland Metropolitan Park District
Rose Fini, Chief Legal & Ethics Officer, Cleveland Metroparks
Wade Steen, Chief Financial Officer Cleveland Metroparks
Dr. Gordon Haye, East Cleveland Parks Association

RESOLUTION NO. 55-22

A RESOLUTION DIRECTING A PORTION OF THE CITY'S CORONAVIRUS LOCAL FISCAL RECOVERY FUND PAYMENT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS BY SUBAWARDING SUCH FUNDS TO CLEVELAND METROPARKS PURSUANT TO THE FOREST HILL PARK ASSESSMENT PLAN.

**Requested By: Mayor Brandon L. King
Sponsored By: Nathaniel Martin, Chair, Executive Committee
Co-sponsored by: Councilors Ernest Smith; Juanita Gowdy;
Korean Stevenson & Patricia Blochowiak
Received from the Law Department on 6.29.22
Placed in Executive Committee on 6.29.22
Moved to the 7.19.22 Regular Council Meeting Agenda - FIRST READ
Moved to the 8.23.22 Regular Council Agenda - SECOND READ
Passed Unanimously on 8.23.22**

WHEREAS, Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 (“**ARPA**”), appropriated Coronavirus Local Fiscal Recovery Fund (“**Fund**”) payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and,

WHEREAS, pursuant to the ARPA’s Fund methodology, the City of East Cleveland (the “**City**”) was allocated approximately \$26,639,320 (the “**Fund Payment**”) to “mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)”; and,

WHEREAS, in response to this economic crisis, the Department of the Treasury (“**Treasury Department**”) is providing such relief to state and local governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and,

WHEREAS, the ARPA and its supporting guidance issued by the Treasury Department provide that the Fund Payment may only be used by the City to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to the extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, “**Criteria**”); and,

WHEREAS, so long as the City duly directs its Fund Payment to finance those costs in compliance with the Criteria, the City may use the Fund Payment to offset the City’s various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (“**Covered Period**”); and,

WHEREAS, the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 et seq.), its regularly updated Coronavirus State and Local Fiscal Recovery Funds’ Frequently Asked Questions, and its and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively, “**Guidance**”), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and,

WHEREAS, the Criteria and Guidance describe such eligible uses of the Fund Payment to include responding to the COVID-19 public health emergency or its negative economic impacts; and,

WHEREAS, this Council intends to enter into a partnership between the City and the Cleveland Metropolitan Park District, Cuyahoga County (the “**Cleveland Metroparks**”) for the restoration and management of the **175.6 acres** remaining of the donated Rockefeller estate and which comprises the City’s Forest Hill Park (the “**Project Area**”); and,

WHEREAS, the Cleveland Metroparks has developed a Forest Hill Park Assessment Plan for the restoration of the Project Area, which such plan attached hereto as **EXHIBIT A** (the “**Forest Hill Park Project**”); and,

WHEREAS, some portions or all of the Forest Hill Park Project constitute eligible uses of the Fund Payment by the City under the Guidance, pursuant to the written advice of its outside legal counsel, attached hereto as **EXHIBIT B**; and,

WHEREAS, this Council is in receipt of the Cleveland Metroparks’ request for a subaward from the City of up to Two Million and no/00 dollars (\$2,000,000.00) of the City’s Fund Payment to offset the costs of said Forest Hill Park Project; and,

WHEREAS, this Council intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department’s Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule]; *and*,

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in the timely authorization and the signing of the necessary agreements and documents to expend the Fund Payment].

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of East Cleveland, Ohio, three-fifths (3/5) of all members concurring:

SECTION 1. That this Council hereby declares the above funds shall be used in the City's COVID-19 Response, defined herein, for the Forest Hill Park Project, according to those items designated by the City's legal counsel as eligible under the Guidance as set forth in Exhibit B. This Council's decision that such expenditures are appropriate by virtue of charging to the City's Fund Payment is based on the following considerations: the Forest Hill Park Project elements constitute outdoor parks and recreation facilities, to which the U.S. Treasury's Final Rule allows the Fund Payment to be expended when located in disproportionately impacted communities, for investments in developing neighborhood features such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, and other fixed asset projects to revitalize public spaces, all as set forth in 31 C.F.R. 35.6(b)(3)(ii)(A)(11)(iii) (collectively, the "COVID-19 Response").

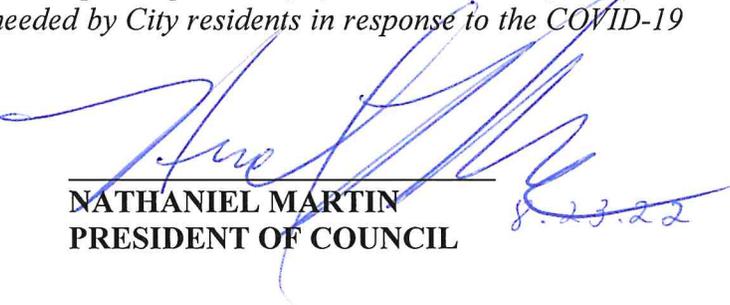
SECTION 2. That the use of the City's Fund Payment for Cleveland Metroparks' expenses authorized by this resolution shall not exceed \$2,000,000 and shall be paid from the Fund Payment and from any other funds that are appropriated for this purpose as determined by the City Auditor.

SECTION 3. As time is of the essence, the duly authorized representatives of the City are directed to take action under this Resolution as soon as possible.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with Ohio's Sunshine Laws, including Section 121.22 of the Revised Code.

[SECTION 5. EMERGENCY CLAUSE: This Resolution is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City and to provide immediate assistance needed by City residents in response to the COVID-19 public health emergency].

PASSED:



NATHANIEL MARTIN
PRESIDENT OF COUNCIL 8.23.22

ATTEST:

Tracy Udrija Peters
TRACY UDRIJA-PETERS
CLERK OF COUNCIL 8.23.22

APPROVED:

[Signature]
BRANDON L. KING
MAYOR

VETO: YES _____ NO _____

APPROVED AS TO FORM:

[Signature]
WILLA HEMMONS
DIRECTOR OF LAW

	Yea	Nay
Councilor Juanita Gowdy	<u>X</u>	_____
Councilor Korean Stevenson	<u>✓</u>	_____
Councilor Patricia Blochowiak	<u>✓</u>	_____
Councilor Ernest Smith	<u>X</u>	_____
Councilor Nathaniel Martin	<u>✓</u>	_____



ACCOUNTS PAYABLE
The City of East Cleveland
 14340 EUCLID AVENUE EAST CLEVELAND, OHIO 44112



CITY OF EAST CLEVELAND

120159

VEND# 08479 120159 05/05/2023

INV DATE	VOUCHER #	PO #	INVOICE #	ACCOUNT	GROSS AMT	NET AMT
05/04/2023	18145001	RG181830	3147	2242.2351.5235	2,000,000.00	2,000,000.00
METRO PARK			TOTALS:			2,000,000.00

393

No.



CITY OF EAST CLEVELAND
 14340 EUCLID AVE RM 108
 EAST CLEVELAND, OH 44112-3402

usbank

No. 120159

56-258/412

TWO MILLION and 00/100 DOLLARS

DATE	CHECK NO.	AMOUNT
05/05/2023	120159	\$2,000,000.00

PAY TO THE ORDER OF CLEVELAND METROPARKS
 4101 FULTON PARKWAY
 CLEVELAND OHIO 44144



Satash Wells
 DIRECTOR OF FINANCE

MEMO

⑈ 120159⑈ + ⑆04 1202582⑆ 577878515⑈



ACCOUNTS PAYABLE
The City of East Cleveland
14340 EUCLID AVENUE EAST CLEVELAND, OHIO 44112

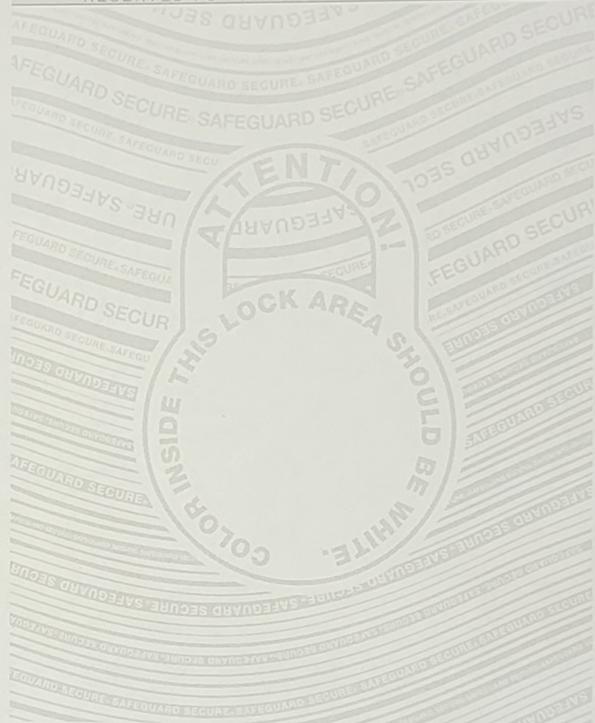


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AT _____ DATE _____
NAME OF FINANCIAL INSTITUTION

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RESERVED FOR FINANCIAL INSTITUTION USE



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 - Microprinting • **MP** Small type in check border appears as dotted line when copied.
 - Toner Adhesion Properties • Chemistry in paper bonds laser toner to paper fibers with heat. Damage is visible with alteration attempts.
 - Laid Line Back Pattern • Discourages cut-and-paste alterations.
 - High Resolution Warning Band • Text alerts handler to security features. Fine lines in border and corners are difficult to replicate or copy.
 - Hologram • Multi-dimensional foil seal fused to check stock. Cannot be photocopied.
 - Heat Sensitive Ink • Hold red image with fingers or breathe on it. The image will fade and reappear.
 - True Watermark • Hold check to a light source to view. Cannot be photocopied.
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