

## RESOLUTION NO. 20-2016

### A RESOLUTION ADOPTING THE RICHFIELD JOINT RECREATION DISTRICT CLEAN OHIO POLICY FOR AGREEMENTS AND USE APPLICATIONS

**BE IT RESOLVED** by the Board of Trustees of the Richfield Joint Recreation District, County of Summit, State of Ohio:

**SECTION 1.** That the Richfield Joint Recreation District Clean Ohio Policy for Agreements and Use Applications, substantially as set forth in Exhibit A attached hereto and fully incorporated herein as if by reference be, and the same hereby are, adopted.

**SECTION 2.** That this Board finds and determines that all formal actions of this Board concerning and relating to this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately upon its adoption.

11/28/2016

Date Passed



*Chairperson, Richfield Joint Recreation District  
Board of Trustees*

ATTEST:



*Administrator, Richfield Joint Recreation  
District*



*Secretary, Richfield Joint Recreation District  
Board of Trustees*

<b>Policy Name</b>	RJRD Clean Ohio Policy for Agreements and Use Applications
<b>Administrative Procedure</b>	
<b>Issue Date</b>	TBD
<b>Revision Date</b>	

<b>Purpose</b>	To provide consistency for users and partners of Richfield Heritage Preserve regarding the covenants for the Clean Ohio Area.
<b>Attachment(s)</b>	
<b>Special Notes</b>	Definition of Terms are taken from the Ohio Public Works Commission Project Grant Agreement Clean Ohio Conservation Fund April 30, 2015

**OVERVIEW:**

The objectives are:

- Provide an unambiguous statement about permitted uses for the Clean Ohio Area.
- Provide clear definitions and terminology from the Clean Ohio Grant Agreement and the Grant of Conservation Easement and Covenant for Stewardship filed and record by the Summit County Fiscal Officer June 30, 2015
- Provide policy that ensures a non-finding for recovery in audits and limit financial liability to return any moneys and damages. [RJRD would pay 1) all funds disbursed, 2) liquidated damages equal to 100% of the amount of the funds disbursed by OPWC to RJD together with interest accruing at the rate of 6% per annum from the date of the RJRD's receipt.]

**DEFINITION OF TERMS:**

**Private Business Use:** Use [directly or indirectly] in a trade or business or activity carried on by and Private Person excluding Nonprofit Organizations members and the general public.

**Non-Profit Organization:** An organization that is exempt from federal income taxation pursuant to Section 501(a) of the Internal Revenue Code and described in section 501(c) of the Code and that has as one of its designated activities, as indicated on the United States Internal Revenue Service form 1023 "recognition of exemption," an activity that is directly related to the purposes for which grants may be issued under Revised Code

Sections 164.20 through 164.27 as described in divisions (A) and (B) of Revised Code section 164.02

**Private Person:** Any person, firm, entity or individual who or which is other than a “governmental unit” as that term is used in Sections 141 and 148 of the Code.

**Grant of Conservation Easement and Covenant of Stewardship:**

RJRD agrees

Funds would be used to allow for open space to protect and enhance riparian corridors.

- Agreed to restrict use as set forth in the easement
- Agreed that the common purpose is (a) conserving and protecting the Clean Ohio Area in perpetuity as natural habitat for plants and wildlife, (b) providing long-term benefits to the citizens of Richfield Township and the Village of Richfield, Ohio and Summit County for passive recreational use by the general public as a “Passive Use Public Park” and (c) prevents use or development.

**DISTRICT POLICY:**

Section 12(f)(iii) of the Ohio Public Works Commission Project Grant Agreement Clean Ohio Conservation Fund states, “The Recipient [RJRD] shall not use any of the moneys to pay or reimburse the Recipient for the payment of or to refinance costs incurred in connection with the acquisition, construction, improvement and equipping of property that is used or will be used for any Private Business Use.

Any private business or private person use, as defined in this policy, is prohibited from using the Clean Ohio Area for profit.

**Revisions**

Date	Administrator	Details of revision