

Ordinance No. 117-2023 AS AMENDED

By Council Members Gray, Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into one or more Qualified Management Agreements with the Highland Park Golf Foundation, an Ohio non-profit corporation, for professional services to manage, operate, and improve the Highland Park Golf Course and surrounding landscape, for the Division of Recreation, Department of Public Works, for a period up to thirty years; and authorizing the Director to apply for and accept any gifts, grants, or services from any public or private entity.

WHEREAS, the City of Cleveland issued a request for proposal for an entity to manage, operate, and improve Highland Park Golf Course through a Qualified Management Agreement. After review and evaluation of several proposals, the City determined that Highland Park Golf Foundation provided the most comprehensive proposal for the residents of the City; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Works is authorized to enter into one or more Qualified Management Agreements (“QMA”) under Internal Revenue Service Revenue Procedure 2017-13, 2017 IRB LEXIS 38, with the Highland Park Golf Foundation, an Ohio non-profit corporation and an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code (the “Foundation”), for professional services to manage, operate, and improve the existing thirty-six (36) hole Highland Park Golf Course, which includes two eighteen (18) hole golf courses, the clubhouse, and surrounding landscape and grounds and future improvements (collectively, the “Golf Course”) and assist with capital improvement fundraising for the development of the Golf Course, for the Division of Recreation, Department of Public Works, for a period up to ~~thirty (30) years~~ twenty (20) years, with two five-year options to renew, both exercisable by the Director of Public Works.

Section 2. That for services performed by the Foundation under the QMA, the City will provide an annual fixed management fee to the Foundation as reasonable compensation during the term of the QMA. That the annual fixed management fee shall

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be determined by the Board of Control. The QMA shall contain other terms and conditions that the Director of Law deems necessary for the QMA to satisfy Revenue Procedure 2017-13.

Section 3. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to enter into any agreements, execute any other documents and certificates, and take any other actions needed to implement this ordinance.

Section 4. That the Director of Public Works is authorized to apply for and accept any gifts, grants, or services for this purpose from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive any gift or grant funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the cost of this ordinance shall be paid from Fund No. 63 SF 001, the fund or funds to which are credited the fees and rates collected from the operations of the Golf Course, the fund or funds to which are credited any gifts or grants accepted under this ordinance, and other funds approved by the Director of Finance.
(RQS 7004, RLA 2023-2)

Section 6. That the Director of Public Works shall provide bi-annual reports for the first seven years of the QMA to all members of Council concerning the status of the OMA with the Foundation.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KR:nl
1-23-2023
FOR: Director Williams

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REPORT
after second Reading

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READ FIRST TIME on JANUARY 23, 2023
and referred to DIRECTORS of Public Works, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

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