

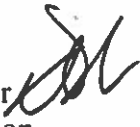
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TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: April 17, 2019

RE: **Report on Entering a Contractual Agreement to Fund the Operations and Management of Clark Park**

The Legislative Policy Division (LPD) has been requested by Council Member Andre Spivey to provide a report on whether the City of Detroit could provide funding for an entity to operate and manage the City owned Clark Park.

The City is the owner of Clark Park even though it ceased operating the park in 1999. Since that time the Clark Park Coalition (a non-profit entity) has been working in partnership with the City's Recreation Department to provide activities at the Park. The Clark Park Coalition's programming mission statement is to "provide an array of diverse, high-quality recreational, educational, social and mentoring programs for southwest Detroit families promoting skills development which helps our youth grow into responsible, self-confident adults"¹. It has been suggested that the Coalition currently does not have the funding to continue the management and operation of the Park.

The City, can through an operating agreement or binding memorandum of understanding, reach terms in an agreement to manage and operate Clark Park. Pursuant to the City Code, Article V, Division 1. *Goods and Services*, Subdivision B, *Purchasing of Goods and Services*:

Sec. 18-5-11. - *Manner of purchasing.*

(a) Unless otherwise provided for in this article or by state or federal law, all goods and services that are purchased by the city, and its departments and agencies, shall

¹ The Clark Park Coalition, Mission Statement can be found on its website: <http://clarkparkdetroit.com/index.php>.

be made in accordance with this article.

(b) When soliciting a bid and awarding a contract, the Purchasing Director shall award the contract to a bidder, which offers the requested goods or services at the lowest price after application of the following three-step process:

- (1) Equalization percentage credits as provided for in Sections 18-5-12 and 18-5-13 of this Code; and
- (2) The preference for environmentally-preferred goods or services as provided for in section 18-5-14 of this Code; and
- (3) The requirement that consideration be given to the price offered through a cooperative purchases resource as provided for in section 18-5-16 of this Code.

In order for the City to provide financial assistance to the Coalition, a contractual arrangement between the two parties would have to be entered into. The contractual arrangement could be done pursuant to a service contract for the operation and management of the Park. Similar contractual arrangements have been entered into to manage and operate other City owned properties². The three City owned golf courses are managed by a private entity pursuant to a contractual agreement. Additional contractual agreements for the management and operation of City owned properties included the Detroit Zoo through the Detroit Zoological Society; the Detroit Historical Museum through the Detroit Historical Society; Detroit's Eastern Market through the Eastern Market Corporation; and the Detroit Institute of Arts through the Detroit Institute of Arts, Inc. (formerly the Founders Society Detroit Institute of Arts).

If we can be of further assistance, please feel free to call upon us.

² LPD notes that providing a general fund subsidy for operations (of this City owned park) is a philosophical shift from the City's current priority of securing community partners to finance and manage park operations. However, if the minimal assistance needed is a one-time infusion or can be assured to not result in future increases, it may become a viable option for this or similar situated parks where funding can be formed to offset such expenditures.