



City of Muscatine



MUSCATINE CITY COUNCIL

Agenda Item Summary – Regular Meeting

Date February 17, 2022

STAFF

Richard Klimes, Director of Parks and Recreation

SUBJECT

Resolution Approving the Contract and Bond for the Southend Playground Development Project with Boland Recreation for the amount of \$360,000.00.

EXECUTIVE SUMMARY

The City of Muscatine Parks and Recreation Department and the Playground Selection Committee developed the plans and specifications for the Southend Playground Development Project. The Muscatine City Council held a public hearing and approved the plans and specifications on December 16, 2021. Three proposals were received by the due date of January 19, 2022, but only two of the proposals arrived by the proposal submittal deadline of 2:05 p.m. The selection committee comprised of City Staff and interested members of the community evaluated the two proposals on playground safety, accessibility, aesthetics, playability and the proposed cost being within the approved project budget. After open interviews and careful evaluation of the proposals, there was a unanimous consensus of the committee that Boland Recreation had the most responsive and responsible proposal submitted.

STAFF RECOMMENDATION

City Staff and the Playground Selection Committee recommend Council approve a resolution to approve the contract and bond for the Southend Playground Development Project to Boland Recreation for the amount of \$360,000.00.

BACKGROUND/DISCUSSION

The City of Muscatine Parks and Recreation Department and the Playground Selection Committee have developed the plans and specifications for the Southend Playground Development Project, which is part of the Community Foundation of Greater Muscatine South End Improvement Fund Projects. The Improvement Fund Projects were developed in collaboration with the community fund steering committee to make recreational improvements in the southend portion of the Muscatine community. The City Council approved the concept plan for the southend community improvements at their regular meeting on October 7, 2021. The playgrounds to be improved by the Southend Playground Development Project are Musser Park, Taylor Park and Sunset Park.

CITY FINANCIAL IMPACT

The costs associated with the Southend Playground Development Project will be funded with \$50,000.00 from the Muscatine Housing Department approved budget and \$310,000.00 from the Community Foundation of Greater Muscatine South End Improvement Fund. There is \$310,000.00 budgeted in the improvement fund for this project. The future maintenance cost impact will be minimized as much as possible through the design process.

ATTACHMENTS

Resolution

Contract

Bond

RESOLUTION 2022-0065

**APPROVING CONTRACT AND BOND
SOUTHEND PLAYGROUND DEVELOPMENT PROJECT**

WHEREAS, this Council has awarded the contract for the Southend Playground Development Project to Boland Recreation, dated the 17th day of February 2022 in the amount of \$360,000.00; and

WHEREAS, this Council has authorized and directed the Mayor and City Clerk to enter into a written contract for this project with said contractor, subject to final approval by this Council; and

WHEREAS, the contract and bond has been examined by this Council;

NOW, THEREFORE, IT IS RESOLVED that:

1. The above contract between the City of Muscatine, Iowa, and Boland Recreation, dated the 17th day of February 2022 in the amount of \$360,000.00, is approved.
2. The performance bond accompanying such contract, wherein Boland Recreation appears as principal and Travelers and Casualty and Surety Company of America appears as surety, is approved.

The original executed contract and performance bond shall be placed on file in the office of the City Clerk.

PASSED, APPROVED AND ADOPTED THIS 17th DAY OF FEBRUARY, 2022.

Brad Bark, Mayor

ATTEST:

Carol Webb, City Administrator

CONSTRUCTION PAYMENT BOND

Bond Number: 107565353

KNOW ALL MEN BY THESE PRESENTS: that

MIRACLE RECREATION EQUIPMENT CO. C/O BOLAND RECREATION

(Name of Contractor)

2347 Oak Park Rd., Marshalltown, Iowa 50158

(Address of Contractor)

a Corporation _____, hereinafter called Principal, and
(Corporation, Partnership or Individual)

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

(Name of Surety)

One Tower Square, Bond/5PB, Hartford CT 06183

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto _____ City of Muscatine
(Name of Owner)

215 Sycamore Street, Muscatine, IA 52761

(Address of Owner)

hereinafter called Owner, in the penal sum of _____ Three Hundred Sixty Thousand and 00/100
dollars (\$360,000.00)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the OWNER dated the 17th day of February, 2022, a copy of which is hereto attached and made a part hereof for the construction of:

Southend Playground Development Project

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, SUBCONTRACTORS, and corporations furnishing materials for or performing labor in the prosecution of the WORK provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such WORK, and all insurance premiums on said WORK, and for all labor, performed in such WORK whether by SUBCONTRACTOR or otherwise, then this obligation shall be void: otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any wise affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in 1 number
counterparts, each one of which shall be deemed an original, this the 17th day of
FEB 2022.

MIRACLE RECREATION EQUIPMENT CO. C/O BOLAND RECREATION

(Principal)

BY _____

2347 Oak Park Rd.

(Address)

Marshalltown, IA 50158

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

(Surety)

BY Jennifer Williams

(Attorney-in-Fact)

BY **Jennifer Williams**

(Attorney-in-Fact)

One Tower Square, Bond/5PB

(Address)

Hartford CT 06183

ATTEST:

[Signature]
(Principal Secretary)

(Witness to Principal)

(Address)

ATTEST:

[Signature]
(Witness to Surety)

4220 Duncan Avenue, Suite 401

(Address)

St. Louis, MO 63110

NOTE: Date of BOND must not be prior to date of Contract. If CONTRACTOR is Partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the PROJECT is located.

CONSTRUCTION PERFORMANCE BOND

Bond Number: 107565353

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(Name of Contractor)

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(Address of Contractor)

a Corporation _____, hereinafter called Principal, and
(Corporation, Partnership or Individual)

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

(Name of Surety)

One Tower Square, Bond/5PB, Hartford CT 06183

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto _____ City of Muscatine
(Name of Owner)

215 Sycamore Street, Muscatine, IA 52761

(Address of Owner)

hereinafter called Owner, in the penal sum of _____ Three Hundred Sixty Thousand and 00/100
dollars (\$360,000.00)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the OWNER, dated the 17th day of February, 2022, a copy of which is hereto attached and made a part hereof for the construction of:

Southend Playground Development Project

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the Surety and during the one year guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any wise affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in 1 (number) counterparts, each one of which shall be deemed an original, this the 17th day of FEB 2022

MIRACLE RECREATION EQUIPMENT CO. C/O BOLAND RECREATION

(Principle)

BY [Signature]

2347 Oak Park Rd.

(Address)

Marshalltown, IA 50158

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

(Surety)

BY [Signature]

(Attorney-in-Fact)

BY Jennifer Williams

(Attorney-in-Fact)

One Tower Square, Bond/5PB

(Address)

Hartford, CT 06183

ATTEST:

[Signature]
(Principal Secretary)

(Witness to Principal)

(Address)

ATTEST:

[Signature]
(Witness to Surety)

4220 Duncan Avenue, Suite 401

(Address)

St. Louis, MO 63110

NOTE: Date of BOND must not be prior to date of Contract. If CONTRACTOR is Partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the PROJECT is located.



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (hereinafter collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Jennifer Williams** of **ST LOUIS, Missouri**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing and guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April** 2021.



State of Connecticut

City of Hartford ss.

By:
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writing obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President or any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or undertaking to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 17 day of February 2022



Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.

For a complete list of the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

CONSTRUCTION PAYMENT BOND

Bond Number: 107565353

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(Name of Contractor)

2347 Oak Park Rd., Marshalltown, Iowa 50158

(Address of Contractor)

a Corporation _____, hereinafter called Principal, and
(Corporation, Partnership or Individual)

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(Name of Surety)

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(Address of Surety)

hereinafter called Surety, are held and firmly bound unto _____ City of Muscatine
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hereinafter called Owner, in the penal sum of _____ Three Hundred Sixty Thousand and 00/100
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Southend Playground Development Project

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, SUBCONTRACTORS, and corporations furnishing materials for or performing labor in the prosecution of the WORK provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such WORK, and all insurance premiums on said WORK, and for all labor, performed in such WORK whether by SUBCONTRACTOR or otherwise, then this obligation shall be void: otherwise to remain in full force and effect.

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(Surety)

BY Jennifer Williams

(Attorney-in-Fact)

BY **Jennifer Williams**

(Attorney-in-Fact)

One Tower Square, Bond/5PB

(Address)

Hartford CT 06183

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(Principal Secretary)

(Witness to Principal)

(Address)

ATTEST:

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Southend Playground Development Project

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PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any wise affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

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(Principle)

BY [Signature]

2347 Oak Park Rd.

(Address)

Marshalltown, IA 50158

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

(Surety)

BY [Signature]

(Attorney-in-Fact)

BY Jennifer Williams

(Attorney-in-Fact)

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(Address)

Hartford, CT 06183

ATTEST:

[Signature]
(Principal Secretary)

(Witness to Principal)

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ATTEST:

[Signature]
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**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (hereinafter collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Jennifer Williams** of **ST LOUIS, Missouri**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing and guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April** 2021.



State of Connecticut

City of Hartford ss.

By:
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writing obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President or any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or undertaking to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 17 day of February 2022



Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.

For a complete list of the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.