

ORDINANCE NO. 09-84 AC CMS

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO
A CONTRACT WITH MAIN STREET OBERLIN, INC. TO PROVIDE
PROMOTIONAL ACTIVITIES TO THE CITY OF OBERLIN, OHIO**

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to enter into a contract with Main Street Oberlin, Inc. to promote the City to potential visitors, tourists and/or special event or meeting participants for the City of Oberlin, in accordance with the contract attached hereto as **Exhibit A**.

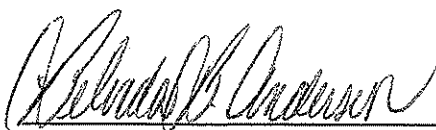
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect at the earliest date allowed by law.

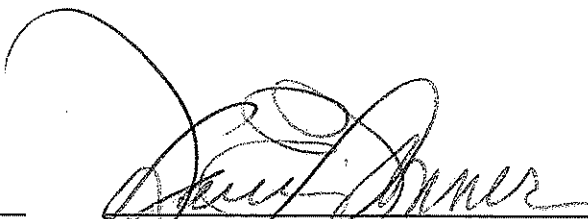
PASSED: 1st Reading – November 16, 2009
2nd Reading – December 7, 2009
3rd Reading – December 21, 2009(E)

to provide Main Street Oberlin with the necessary funds to fulfill annual promotion obligationsand shall take effect

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 12/22/2009

EFFECTIVE DATE: 12/21/2009

AGREEMENT

This Agreement is made and concluded at Oberlin, Ohio, on this 4th day of January, 2009¹⁰, by and between the City of Oberlin, a municipal corporation, hereinafter referred to as "City", and Main Street Oberlin, Inc., an Ohio non-profit entity, hereinafter referred to as "MSO".

WITNESSETH:

WHEREAS, Oberlin City Council has authorized the City Manager to enter into an agreement with MSO whereby MSO will utilize a maximum of Forty Thousand Dollars (\$40,000.00) of the Bed Tax revenue funds for promotion of Oberlin and will provide the services to the City as set forth in this agreement and their proposal previously submitted to the City.

NOW, THEREFORE, in consideration of the promises contained herein and other good and valuable consideration, the receipt of which is hereby specifically acknowledged, it is agreed between the parties hereto as follows:

SECTION 1. That for the calendar year 2010, MSO will promote the City in the various ways and methods set forth hereinafter, and in further accordance with a proposal to be submitted to the City no later than February 15, 2010, for City Council approval by motion. Bed Tax funds shall be distributed to MSO as follows:

- A. \$30,000 shall be allocated for promotional and marketing for events and/or activities of MSO, to be utilized in accordance with Chapter 185 of the Oberlin Codified Ordinances and all applicable laws, and for administrative costs associated with the provision of such activities.
- B. \$10,000 shall be allocated for other events to occur in Oberlin during the 2010 calendar year that attract visitors to Oberlin, said funds to be utilized for the marketing and promotion of said events and/or activities. MSO shall establish an openly advertised application and review process for the solicitation of proposals for the events and/or activities, subject to the approval of the City Manager. The process shall include a review of the proposals by members of MSO and two (2) members of Oberlin City Council. Proposed and actual uses of the Bed Tax funds shall be in accordance with Chapter 185 of the Oberlin Codified Ordinances and all applicable laws.

SECTION 2. The City, in consideration of said services so provided, will pay MSO the sum of Forty Thousand Dollars (\$40,000.00) for the year 2010 as set forth above, per a disbursement schedule determined at the sole discretion of the City Finance Director.

SECTION 3. MSO shall provide the City with written reports by August 1, 2010 and January 1, 2011, specifically itemizing expenditures in the use of said funds provided to MSO by the City. The reports shall include sufficient documentation as determined by the City in order to clearly reveal the "municipal public purpose" and consistent with Section 185.01 of the Oberlin Codified Ordinances and all applicable laws, of each and every expenditure.

SECTION 4. The City shall have the right to demand and receive such other information from MSO detailing the activities funded as determined necessary by the City.

SECTION 5. MSO shall carry public liability insurance in the amount and form as approved by the City, and agrees to hold harmless and indemnify the City from any and all losses, claims, damages, and judgments arising out of or resulting from the provision and/or operation of said services.

IN WITNESS WHEREOF, the parties have thereto set their hands the day and year first above written.

IN THE PRESENCE OF:

THE CITY OF OBERLIN, OHIO

Shirley Hawley
Sharon Pearson

By: [Signature]
Eric Norenberg, City Manager

Main Street Oberlin, Inc.

Sharon Pearson
Sandra Phillips

By: [Signature]
Its: Director

APPROVED AS TO FORM:

[Signature]
Eric R. Severs, Law Director