

**City of Oberlin, Ohio**

**ORDINANCE No. 11-01 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, AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

“to provide Main Street Oberlin with the necessary funds to fulfill annual promotion obligations in a timely manner”

and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – January 18, 2011  
2<sup>nd</sup> Reading – February 7, 2011 (S,E)  
3<sup>rd</sup> Reading –

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
KENNETH SLOANE  
PRESIDENT OF COUNCIL

POSTED: 02/08/2011

EFFECTIVE DATE: 02/07/2011

**AGREEMENT**

This Agreement is made and concluded at Oberlin, Ohio, on this 11<sup>th</sup> day of February, 2011, 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 2011, 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 March 15, 2011, for City Council approval by motion. Bed Tax funds shall be distributed to MSO as follows:

- A. \$30,000 to MSO to be used as follows:
  - i. A minimum of 75% shall be allocated for promotion 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
  - ii. No more than 25% shall be spent for administrative, design, production and/or planning costs associated with the provision of such promotional and marketing activities.
- B. \$10,000 shall be allocated for other events to occur in Oberlin during the 2011 calendar year that attract visitors to Oberlin. 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. Funds awarded to selected applicants through this process shall be used as follows:
  - i. A minimum of 75% of awarded funds shall be utilized for the marketing and promotion of said events and/or activities, and
  - ii. No more than 25% of the awarded funds may be used for administrative, design, production and/or planning costs associated with the provision of such promotional and marketing activities

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 2011 as provided for above, pursuant to the following disbursement schedule:

- A. \$30,000 payable following receipt of invoice after City Council approval of and City Manager execution of this agreement.
- B. \$10,000 payable following receipt of invoice after City Council approval of proposal that results from the process set forth in Section 1.B., above.

SECTION 3. MSO shall provide the City with written reports by August 1, 2011 and January 1, 2012, for evaluation by the City Manager,, 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.

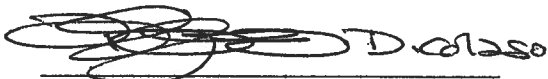
SECTION 4. The City shall have the right to demand and receive such other information from MSO detailing the activities funded as determined necessary by the City.

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.

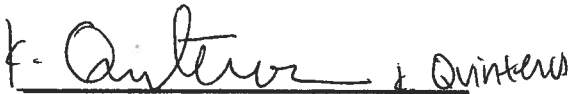
IN WITNESS WHEREOF, the parties have thereto set their hands the day and year first above written.

IN THE PRESENCE OF:

THE CITY OF OBERLIN, OHIO

  
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By:   
Eric Norenberg, City Manager


  
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Main Street Oberlin, Inc.

  
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By:   
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Its:   
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APPROVED AS TO FORM:

  
Eric R. Severs, Law Director