

## **City of Oberlin, Ohio**

### **ORDINANCE No. 11-16 AC CMS**

#### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OBERLIN EARLY CHILDHOOD CENTER AND DECLARING AN EMERGENCY**

WHEREAS, the City of Oberlin has the authority by virtue of Chapter 5104 O.R.C. to operate a child day-care center within the City of Oberlin; and,

WHEREAS, the Council of the City of Oberlin deems it necessary to enter into a contract with the Oberlin Early Childhood Center to authorize it to operate such a center and provide financial assistance for the same; and

WHEREAS, the Oberlin Early Childhood Center is a non-profit corporation operating under and by virtue of the laws of the State of Ohio and is duly licensed to operate a child day-care center; and

WHEREAS, the Oberlin Early Childhood Center offers to the residents of the City of Oberlin the following personal services:

- (a) to plan, conduct, and administer high quality educational programs and related activities during the work day for children of pre-school and other young ages;
- (b) to make available such high quality educational programs and related activities to children of pre-school and other young ages, without undue financial hardship to their parents and legal guardians, thereby making such programs and activities available to children without regard to their economic background;
- (c) to develop and implement educational programs which bring together children from different backgrounds in such a manner that the children may have a positive educational experience which will enable them to become responsible adults who lack prejudice and discriminatory attitudes;
- (d) to provide a modern facility, including buildings and an outside play area, that is specifically designed, built, equipped, and operated for children of pre-school and other young ages; and,

WHEREAS, City Council desires to authorize the City Manager to enter into a contract with the Oberlin Early Childhood Center, under the terms of which the said center shall operate a child day-care center and furnish its services to the residents of the City of Oberlin, and in return for which the City shall provide financial assistance to the said center.

NOW, THEREFORE, 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 be, and is hereby authorized to enter into a contract with the Oberlin Early Childhood Center, whereby the City will provide financial assistance to the said center in an amount of \$25,000 as previously appropriated through Ordinance No. 10-86 AC CMS for the 2011 Fiscal Year, to be used for operating purposes, and in consideration therefore said center will operate a child day-care center and provide to the residents of the City of Oberlin the services as set forth above and in the agreement attached hereto as “**Exhibit A**” and incorporated herein by reference.

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 timely provide funds for important contracted services”,*

and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – April 4, 2011 (S, E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

ATTEST:



BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL



KENNETH SLOANE  
PRESIDENT OF COUNCIL

POSTED: 04/05/2011

EFFECTIVE DATE: 04/04/2011

**AGREEMENT**

This Agreement made and concluded at Oberlin, Ohio, this 11<sup>th</sup> day of April, 2011, by and between the City of Oberlin, a municipal corporation (hereinafter referred to as "CITY"), and the Oberlin Early Childhood Center, an Ohio non-profit corporation (hereinafter referred to as "CHILDHOOD CENTER"),

**WITNESSETH:**

**WHEREAS, the CHILDHOOD CENTER has the authority pursuant to Chapter 5104 O.R.C. to operate a child day-care center within the City of Oberlin, Ohio; and**

**WHEREAS, the City Council has by motion, through Ordinance No. 10-86 AC CMS deemed it necessary to appropriate the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) to the CHILDHOOD CENTER, whereby said program will provide such activities to the residents on behalf of the CITY.**

**WHEREAS, the Council of the CITY has, through Ordinance No. 11-16 AC CMS deemed it necessary to authorize the City Manager to enter into an agreement with the CHILDHOOD CENTER whereby said CHILDHOOD CENTER will operate such child day-care center and will provide the following services to the residents of the City of Oberlin, to-wit:**

- a) to plan, conduct, and administer high quality educational programs and related activities during the work day for children of pre-school and other young ages;**
- b) to make available such high quality educational programs and related activities to children of pre-school and other young ages, without undue financial hardship to their parents and legal guardians, thereby making such programs**

**and activities available to children without regard to their economic background;**

- c) to develop and implement educational programs designed to bring together children from different backgrounds in such a manner that the children may have a positive educational experience which will enable them to become responsible adults who lack prejudice and discriminatory attitudes;**
- d) to maintain and operate a modern facility, including buildings and an outside play area, that is specifically designed, built, equipped, and operated for children of pre-school and other young ages; and**

**WHEREAS, the CITY in return for the services to be rendered by said CHILDHOOD CENTER will provide financial assistance to the CHILDHOOD CENTER in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), for the 2011 Fiscal Year, being the amount heretofore appropriated for such purpose.**

**NOW, THEREFORE, in consideration of the premises and other valuable consideration, it is agreed by and between the parties hereto as follows:**

**SECTION 1. That for the 2011 Fiscal Year, the CHILDHOOD CENTER will operate a child day-care center in the City of Oberlin, Ohio, and provide to the residents of the CITY the services as above set forth.**

**SECTION 2. That the CITY, in consideration for said services will provide financial assistance for the operation of said CHILDHOOD CENTER, for the 2011 Fiscal Year, in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), to be paid upon a reimbursement basis.**

**SECTION 3. That the CHILDHOOD CENTER shall provide the CITY with a written report each month which specifically itemizes each and every expenditure of the CHILDHOOD CENTER and details the use of said funds provided to the CHILDHOOD CENTER by the CITY.**

**SECTION 4. That the CITY shall have the right to appoint a non-voting member to the Board of the CHILDHOOD CENTER. Said non-voting member shall be appointed by Oberlin City Council and shall serve a term of two years.**


**SECTION 5. That nothing contained herein shall constitute an employee-agent relationship between the CITY and the CHILDHOOD CENTER, and further, the CHILDHOOD CENTER shall hold the CITY harmless and indemnify the CITY from any and all claims, causes of action, or damages that may be asserted against the CITY arising out of or related in any way to any activities of the CHILDHOOD CENTER and/or the funds contributed by the CITY in support of the CHILDHOOD CENTER. The CHILDHOOD CENTER shall carry public liability insurance in an amount and form as approved by the CITY.**

**IN WITNESS WHEREOF, the parties have hereunto set their hands to duplicates hereof the day and year first above mentioned.**

**IN THE PRESENCE OF:**

**THE CITY OF OBERLIN**

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
City Manager

**THE OBERLIN EARLY  
CHILDHOOD CENTER**

*Cathy Schell*

**Witness**

*[Signature]*

**Director**

**APPROVED AS TO FORM:**

*[Signature]*

**Law Director**