

ORDINANCE NO. 2007- 70

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND COUNTY OF PORTAGE, OHIO TO JOINTLY APPLY FOR A 2007 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD AND DECLARING AN EMERGENCY.

WHEREAS, the Kent City Council wishes to apply for a 2007 Byrne Justice Assistance Grant (JAG) Program Award; and

WHEREAS, the City and County believe it to be in their best interest to jointly apply for said grant.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Kent City Council does hereby authorize the City Manager, or his designee, to enter into an agreement between the City of Kent and County of Portage to jointly apply for a 2007 Byrne Justice Assistance Grant (JAG) Program Award, in substantial compliance with a copy of the agreement which is marked Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and 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 of 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, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: 07/18/07
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2007- 70 was duly enacted on this 18 day of July, 2007 by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL

THE STATE OF OHIO KNOW ALL BY THESE PRESENT COUNTY OF PORTAGE

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KENT, OHIO AND COUNT OF PORTAGE, OHIO

2007 EDWARD BYRNE MEMORIAL BYRNE DISCRETIONARY GRANTS PROGRAM [BJA-
2007-1627]

This Agreement is made and entered into this __ day of July 2007, by and between Portage County, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Kent, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Portage County, State of Ohio, witnesseth:

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing part for the services or functions under this agreement; and

WHEREAS, the CITY and COUNTY believe it to be in their best interest to jointly apply for and allocate the FY 2007 JAG funds; and

WHEREAS, Portage County will serve as the applicant/fiscal agent for the joint funds;

NOW THEREFORE BE IT RESOLVED, that the COUNTY and CITY agree as follows:

Section 1. COUNTY agrees to make application for \$11,153 designated as the joint application award amount, from the 2007 Byrne Justice Assistance Grant (JAG).

Section 2. COUNTY agrees to disburse \$6,500 to the CITY as its share of the joint award, which funds will be used as its JAG/Disparate 07 Program until September 30, 2010.

Section 3. COUNTY agrees to use \$4,153 for the JAG/Disparate 07 Program until September 30, 2010.

Section 4. Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which

liability may be imposed by Political Subdivision Tort Liability pursuant to R.C. 2744 et seq.

Section 5. Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by Political Subdivision Tort Liability pursuant to R.C. 2744 et seq.

Section 6. Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other part.

Section 7. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8. By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF KENT, OHIO

COUNTY OF PORTAGE, OHIO

Dave Ruller
City Manager

Maureen T. Frederick, President
Portage County Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

James R. Silver, Law Director
City of Kent

APPROVED AS TO FORM:

Portage County Prosecutor's Office

By Law, the District Attorney's Office (Prosecutor and/or Law Director) may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve contract or legal document on behalf of other parties. Our view on this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).