

ORDINANCE NO. 2009- 83

**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 ACCEPT AN FY09 RECOVERY ACT EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Kent City Council wishes to accept an FY09 Recovery Act Edward Byrne Justice Assistance Grant (JAG) Program Award; and

**WHEREAS**, the City and County believe it to be in their best interest to jointly accept said grant; and

**WHEREAS**, time is of the essence.

**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 accept an FY09 Edward 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: 08/5/2009  
DATE

\_\_\_\_\_  
PRESIDENT PRO TEM

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009- 83 was duly enacted on this 5 day of August, 2009 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 -  
AWARD NUMBER 2009-G7703-OH-SB

BETWEEN THE CITY OF KENT, OHIO AND COUNTY OF PORTAGE

RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD  
[BJA-FY-2009 RECOVERY EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT ]

This agreement is made and entered into this 15th day of May 2009, 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 form 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 party 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 2009 JAG Formula Program: Local Solicitation Funds; and

**WHEREAS,** the City 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.** City agrees to make application for \$71,464 designated as the joint application award amount from the 2009 Byrne Justice Assistance Grant (JAG).

**Section 2.** City agrees to disburse \$25,492 to the COUNTY as its share of the joint award, which funds will be used as its JAG/Disparate 09 Program until September 30, 2013.

**Section 3.** City agrees to use \$45,972 for the JAG/Disparate 09 Program until September 30, 2013.

**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 party.

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF KENT, OHIO, AND COUNTY OF PORTAGE, OHIO**

**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.

**COUNTY OF PORTAGE, OHIO**

**CITY OF KENT**

\_\_\_\_\_  
David Ruller  
City Manager

\_\_\_\_\_  
Charles W. Keiper, II, President  
Portage County Board of Commissioners

Approved as to Form:

\_\_\_\_\_  
James R. Silver  
City Manager

\_\_\_\_\_  
Denise Smith  
Portage County Prosecutor

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 a contract or legal document on behalf of other parties. Our view of 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).