

TEMPORARY RESOLUTION NO. 82-20

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A COOPERATIVE SERVICES AGREEMENT WITH THE LANCASTER PORT AUTHORITY

WHEREAS, pursuant to Ohio Revised Code, the City and the LPA may enter into an agreement whereby either can authorize the other to exercise any power, perform any function or render any service the City or the LPA can exercise, perform or render; and

WHEREAS, due to financial concerns, the City discontinued budget funding for a part-time Economic Development Director position; and

WHEREAS, the LPA has determined the necessity of employing a part-time Executive Director/Economic Development Director to conduct the day-to-day operations of the LPA and pursue economic development projects on behalf of the LPA to benefit the citizens of the City; and

WHEREAS, the former City Economic Development Director provided services that benefited the City Enterprise Departments and the City General Fund was compensated for these services by the various Enterprise Funds; and

WHEREAS, this Cooperative Services Agreement sets forth additional Authorized Purposes of the LPA at the request of the City subject to the sole discretion of the LPA and directs City Enterprise Department funding for economic development to the LPA;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the Mayor is hereby authorized to execute a Cooperative Services Agreement with the Lancaster Port Authority in the same or similar form and substance as the Cooperative Services Agreement attached hereto as Exhibit "A" in furtherance of economic development efforts on behalf of the City of Lancaster, Ohio.

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Economic Development Committee

COOPERATIVE SERVICES AGREEMENT

This COOPERATIVE SERVICES AGREEMENT (“Agreement”) is hereby made and entered into on this ____ day of June, 2020, by and between the LANCASTER PORT AUTHORITY, a port authority and political subdivision created and existing pursuant to the laws of the State of Ohio (hereinafter “LPA”) and the CITY OF LANCASTER, a municipal corporation and political subdivision created and existing pursuant to the Constitution and the laws of the State of Ohio (hereinafter “City”) in accordance with the terms and provisions set forth herein.

WHEREAS, the LPA is authorized to undertake activities for Authorized Purposes, including the issuance of revenue bonds and charging for services rendered by the LPA; and

WHEREAS, pursuant to the Act, the LPA and the City may enter into an agreement whereby either can authorize the other to exercise any power, perform any function or render any service the City or the LPA can exercise, perform or render; and

WHEREAS, due to financial concerns, the City discontinued budget funding for a part-time Economic Development Director position; and

WHEREAS, the former City Economic Development Director provided services that benefited the City Enterprise Departments and the City General Fund was compensated for these services by the various Enterprise Funds; and

WHEREAS, the LPA has determined the necessity of employing a part-time Executive Director/Economic Development Director to conduct the day-to-day operations of the LPA and pursue economic development projects on behalf of the LPA to benefit the citizens of the City; and

WHEREAS, the LPA currently has a revenue stream which will allow the LPA to provide economic development initiatives previously performed by the City Economic Development Director; and

WHEREAS, this Cooperative Services Agreement sets forth additional Authorized Purposes of the LPA at the request of the City subject to the sole discretion of the LPA;

NOW, THEREFORE, the LPA and the City agree as follows:

1. Grants of Power. The City hereby grants to the LPA the right to exercise any power, perform any function and render any service that the City is authorized to exercise, perform or render, that is necessary for the LPA to pursue economic development activities on behalf of the City. This authorization and grant of power pursuant to this Agreement includes the payment and/or reimbursement of economic development costs currently or previously provided to the City by the City Enterprise Departments.

2. LPA Services to Enterprise Departments. The LPA Executive Director will provide all services to the City Enterprise Departments as formerly provided by the City Economic Development Director. These activities and services include the following:



- a. Direct, Create, and Facilitate economic development projects which include negotiating with investment developers and/or industries;
- b. Act as project manager and liaison with all City Departments;
- c. Respond to leads generated by the LPA, 1 Columbus, Fairfield 33 Development Alliance, Jobs Ohio, or other entities;
- d. Market the City for investment of business and industries;
- e. Recruit Business and Industries to the City;
- f. Participate in City strategic property planning;
- g. Create and maintain Certified Sites;
- h. Serve as the City economic development representative for the Fairfield 33 Development Alliance;
- i. Provide Business Retention and expansion visits and services to existing industries;
- j. Seek local, state, and federal grants to enhance economic development in the City;
- k. Be the City designee on the Executive board of the Lancaster Area Community Improvement Corporation;
- l. Communicate with City Administration and advise in economic development matters;
- m. Serve as the City economic development representative for the 1 Columbus organization;
- n. Serve as the City economic development representative for Jobs Ohio;
- o. LPA to pay the annual Fairfield 33 Development Alliance dues;
- p. LPA to pay the annual Special Improvement District dues;
- q. Any other services the parties mutually deem necessary for the promotion of economic development for the City.

3. Provision of Space, Services and Supplies. The City shall continue to provide to the LPA (a) appropriate office space to house personnel and functions of the LPA in their current location on the Second Floor of City Hall, and (b) payment of any costs associated with providing this space to the LPA.

4. Term. This Agreement shall be deemed to commence as of the date hereof and shall continue on in perpetuity until terminated by either party with thirty (30) days written notice to the other party or until such time that either party no longer has the financial or staffing ability to fulfill its obligations pursuant to this Agreement.

5. Amendments. This Agreement may be amended only by written amendment executed by both parties.

6. Binding Effect; Mandamus. This Agreement shall inure to the benefit and shall be binding on both parties. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence.

7. Support of the Agreement. The parties mutually agree to cooperate with each other and to use their best efforts to do all things necessary in furtherance of this Agreement.

8. Signing Other Documents. The parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely manner, all other necessary instruments and documents, and to take any and all actions necessary to effectuate the purposes of this Agreement.

Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly signed in their respective names by their duly authorized officers as of the date heretofore written.

LANCASTER PORT AUTHORITY

CITY OF LANCASTER, OHIO

R. Michael Pettit, Executive Director

David L. Scheffler, Mayor

Approved as to form only:

Law Director & City Prosecutor's Office