

RESOLUTION NO. R96-1 AC CMS

**A RESOLUTION AUTHORIZING AN AFFILIATION AGREEMENT BETWEEN
THE CITY OF OBERLIN, OHIO, THE BOARD OF COMMISSIONERS OF LORAIN
COUNTY, OHIO, AND VARIOUS MUNICIPALITIES FOR THE PURPOSE OF
OPERATING A MINIMUM SECURITY MISDEMEANANT JAIL FACILITY**

BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the City of Oberlin, Ohio, pursuant to the authority contained in Section 753.21 of the Ohio Revised Code and the Charter of the City of Oberlin, does hereby affiliate with the Board of Commissioners of Lorain County, Ohio, and the cities of Amherst, Avon Lake, Elyria, Lorain, North Ridgeville, Vermilion, and the Village of Grafton, Lorain County, Ohio, for the purpose of operating a minimum security misdemeanor jail facility to be known as the Lorain County, Ohio Jail, Minimum Security Misdemeanant Jail Annex.

SECTION 2. That the Interim City Manager is hereby authorized and directed to enter into an "MSMJ Affiliation Agreement" in form substantially similar to that attached hereto, marked "Exhibit A" and incorporated herein by reference, for the operation of said minimum security misdemeanor jail annex.

SECTION 3. 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 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: 1/2/96
2nd Reading: 1/16/96 (E)
3rd Reading:

ATTEST:



Clerk of Council



Chairman of Council

POSTED: 1/23/96

EFFECTIVE: 1/16/96

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MSMJ AFFILIATION AGREEMENT

WHEREAS, Section 341.34 of the Ohio Revised Code permits a board of county commissioners, inter alia, to affiliate with one (1) or more municipal corporations for the purpose of constructing and operating a minimum security misdemeanor jail facility, hereinafter "MSMJ"; and

WHEREAS, Section 753.21 of the Ohio Revised Code permits the legislative authority of a municipal corporation, inter alia, to affiliate with a county for the purpose of constructing and operating a MSMJ; and

WHEREAS, the Board Of Commissioners of Lorain County, Ohio, hereinafter "County", pursuant to Resolution Number 92-1000, filed a grant application with the State Of Ohio, Governor's Office Of Criminal Justice Services, to obtain partial funding that would permit the County to construct a MSMJ; and

WHEREAS, as set forth in the grant application, various municipalities in Lorain County, Ohio indicated that they intended to affiliate with the County with respect to the operation of a multi-jurisdictional MSMJ; and

WHEREAS, the State Of Ohio, Governor's Office Of Criminal Justice Services tentatively approved the grant application and agreed to fund sixty percent (60%) of the construction costs of the Lorain County, Ohio Jail, Minimum Security Misdemeanant Jail Annex, hereinafter "MSMJ Annex"; and

WHEREAS, the electorate of Lorain County, Ohio approved a sales tax levy, the proceeds of which shall be used to pay the

- Agreement for successive term(s) of five (5) years.
2. THAT, the County will and shall be solely responsible for all aspects of the operation of the MSMJ Annex.
 3. THAT, the City's sole responsibility with respect to the operation of the MSMJ Annex is as follows; to wit: the City shall pay the County the sum of Thirty Five Dollars (\$ 35.00) per day for each inmate that is incarcerated in the MSMJ Annex as a result of a City ordinance criminal proceeding.
 4. THAT, notwithstanding any provision to the contrary, either party may terminate the within MSMJ Affiliation Agreement by giving the other party thirty (30) days advance written notice of termination.
 5. THAT, the within MSMJ Affiliation Agreement contains all the terms, conditions and provisions that the parties hereto have agreed upon; and this Agreement can only be amended and/or altered by written mutual agreement.
 6. THAT, the within Agreement is contingent upon the written approval of the State Of Ohio, Bureau Of Adult Detention; receipt of grant funds from the State Of Ohio, Governor's Office Of Criminal Justice Services; and construction of the MSMJ Annex. Further, the within Agreement shall be legally binding upon the parties' heirs, successors and assigns; and the within Agreement shall be governed and construed under the laws of the State of Ohio.
 7. THAT, the parties hereto mutually acknowledge and agree that:
 - 1) they have read the within Agreement, in its entirety, before

CITY OF _____, OHIO

Mayor

Date

**MSMJ AFFILIATION AGREEMENT
PREPARED AND APPROVED AS TO FORM BY:**

**GREGORY A. WHITE,
Prosecuting Attorney,
Lorain County, Ohio**

**M. Robert Flanagan,
Assistant County Prosecutor**

APPROVED AS TO FORM BY:

City Of _____ Solicitor/
Law Director