

## CITY OF TWINSBURG, OHIO

### RESOLUTION 27-2008

A RESOLUTION AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF TWINSBURG WITH THE BOARD OF EDUCATION OF THE TWINSBURG CITY SCHOOL DISTRICT PURSUANT TO CHAPTER 755 OF THE OHIO REVISED CODE PRESCRIBING THE LEASING OF SCHOOL BUSES TO THE CITY OF TWINSBURG TO IMPLEMENT THE 2008 CITY RECREATION PROGRAM

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**WHEREAS**, the 2008 Summer Parks & Recreation Programs will function more effectively and serve the needs of the populous more meaningfully if transportation is available to persons participating in such programs; and

**WHEREAS**, Chapter 755 of the Ohio Revised Code has contemplated that a City and School Board may enter into various contractual arrangements in an effort to better serve the public.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Twinsburg, County of Summit and State of Ohio:

**SECTION I:** That the Mayor, acting on behalf of the City of Twinsburg be, and she hereby is, authorized and directed to make and enter into a contract approved in form by the Director of Law, with the Board of Education of the Twinsburg City School District prescribing the leasing of various School Board owned buses for use by the City in its 2008 Parks & Recreation Programs. Said contract shall contain such terms and conditions as are approved by the Director of Law.

**SECTION II:** That the Clerk of Council be, and she hereby is, authorized to cause a certified copy of this Resolution and Contract to be transmitted to the Clerk of the Board of Education of the Twinsburg City School District for their approval and assent.

**SECTION III:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised code.

**SECTION IV:** That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Robert L. McDermott, President of Council

Submitted to the Mayor for approval this  
\_\_\_\_\_ day of \_\_\_\_\_, 2008

Approved by the Mayor \_\_\_\_\_, 2008

\_\_\_\_\_  
Katherine A. Procop, Mayor

ATTEST:

\_\_\_\_\_  
Marie K. Weaver  
Deputy Clerk of Council

1<sup>st</sup> Rdg. \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_

3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATE OF POSTING**

I, Marie K. Weaver, Deputy Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Marie K. Weaver

## AGREEMENT

This Agreement, made and entered into at Twinsburg, Ohio, by authority of Chapter 755 O.R.C., by and between the city of Twinsburg, an Ohio Municipal Corporation, and the board of Education of Twinsburg City School District, organized and existing by virtue of the General Laws of the State of Ohio.

**WHEREAS**, throughout the years it has been the practice of the City and the School Board to cooperate during the summer school recess months and days off school by designating certain buses owned by the School Board as being suitable for the transportation of persons participating in the City's Park & Recreation Programs; and

**WHEREAS**, this year again, said political bodies desire to enter into such an arrangement subject to the specific terms and conditions hereinafter set forth.

**NOW, THEREFORE**, it is hereby mutually agreed upon by and between the said contracting parties, as duly authorized by their governing bodies, as follows:

1. That such school buses as shall be designated by the School Board shall be permitted to be used by the City of Twinsburg for the transportation of persons participating in its 2008 Parks & Recreation Programs.
2. That the City of Twinsburg shall provide and fully pay qualified drivers for the said buses **FROM THE CURRENT SCHOOL DISTRICTS ELIGIBLE DRIVERS LIST**.
3. That the City shall be responsible for regular and/or routine maintenance and repair of said buses, which is directly attributable to the operation of said buses by the City pursuant to this contract. Such maintenance or repair work shall be completed by either City personnel or by the School Board who will charge the City for such work. All other repairs are solely the responsibility of the School Board.
4. That the City of Twinsburg may levy a nominal fee to all participants to help defray overhead costs of transportation of the 2008 Parks & Recreation Programs.
5. That the City of Twinsburg shall be responsible to keep and maintain liability (limits \$100,000 - \$300,000 minimum) and (\$250 deductible) collision; together with **COMPREHENSIVE** (\$100 deductible) and **PROPERTY DAMAGE** (\$100,000) insurance coverage for the period of time which said buses shall be used in the operation of the 2008 Parks & Recreation Programs.
6. The City of Twinsburg shall be fully responsible for the operation of said buses hereunder. The City of Twinsburg will hold harmless and indemnify said Board of Education for any all acts of neglect occasioned by City employees or agents in the

operation of said school buses in said Parks & Recreation Programs, but the City shall not indemnify the Board for acts or omissions of its employees who shall repair and maintain said buses.

7. The City of Twinsburg shall be responsible to pay all wages and necessary fringe benefits to its employees or agents who operate said buses.

8. The City of Twinsburg will use said buses during the 2008 Parks & Recreation Programs and for those purposes and none other. (which includes Day Camp, Field Trips, "Seize the Day Off", Spring Camp and Winter Camp, Trips)

9. The Board of Education will provide the City of Twinsburg with a list of all qualified operators who may operate said buses and said buses shall be assigned only under the direction and responsibility of the city of Twinsburg through its Parks & Recreation. Said Director of Parks & Recreation shall have full control of the management and movements of said buses while so in use.

10. If collision, loss or vandalism shall occur to said buses while engage in such program, but not parked overnight at the usual bus garage of the Board of Education, the City of Twinsburg shall be responsible therefor. Parties do agree that said buses may be stored overnight upon the premises of the Board of Education, but if vandalism or collision loss occurs while so stored upon such premises, the School Board shall be primarily responsible for any loss sustained.

11. The parties do agree that such buses to be utilized in said recreation program shall be so designated by said Board or its Superintendent sending a written communication specifying at least five (5) buses daily. Thereafter, such buses shall be available to the City of Twinsburg for its 2008 Parks & Recreation Program. The Board of Education shall have the right to substitute like buses for like buses in case of required repairs, maintenance, licensing, inspections or for any other cause whatsoever.

**IN WITNESS WHEREOF**, the parties hereto do set their hands at the City of Twinsburg, Ohio, on the date hereinafter set forth.

**CITY OF TWINSBURG, OHIO**

**TWINSBURG  
EDUCATION**

**BOARD**

**OF**

**BY:** \_\_\_\_\_  
Katherine A. Procop

**BY:** \_\_\_\_\_  
Steve Marlow, Superintendent

**Date:** \_\_\_\_\_

**BY:** \_\_\_\_\_

Clerk-Treasurer

By Authority of: \_\_\_\_\_

**BY:** \_\_\_\_\_  
President, Twinsburg Board of Education

Approved as to legal form by:

\_\_\_\_\_  
David Maistros, Law Director

**PROPOSED**

**PROPOSED**