

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE CHAGRIN FALLS EXEMPTED
VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION
FOR REFUELING OF MOTOR VEHICLES.**

WHEREAS, THE Chagrin Falls Exempted Village School District Board of Education (“Board”) owns facilities for refueling motor vehicles (gasoline and diesel) at Gurney Elementary School, 1155 Bell Road, Chagrin Falls, Ohio; and

WHEREAS, the Board acquires fuel from a supplier [currently Great Lakes Petroleum] and is willing to authorize the Village of Chagrin Falls to utilize the Fueling Station for refueling its diesel and gasoline motor vehicles under the terms of this Agreement; and

WHEREAS, the Village desires to enter into a shared services agreement with the Chagrin Falls Exempted Village School District Board of Education to purchase fuel with other political subdivisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into an agreement with the Chagrin Falls Exempted Village School District Board of Education for refueling motor vehicles, a copy of which Fuel Supply Agreement is attached hereto as “Exhibit A” and incorporated herein as if by reference.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance shall take effect and be in force after the earliest period allowed by law.


PASSED: May 13, 2013



Council President

Submitted to the Mayor for
his approval on this
14 day of May, 2013

Approved by the Mayor
May 14, 2013



Mayor

I hereby certify that Ordinance No. 2013- 37 was duly enacted on the 13 day of May _____, 2013, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

FUEL SUPPLY AGREEMENT

This Fuel Supply Agreement is entered into on the 13 day of MAY, 2013, by and among the Chagrin Falls Exempted Village School District Board of Education ("Board"), and the Village of Chagrin Falls, South Russell Village, the Village of Bentleyville, and the Chagrin Falls Suburban Fire Company, who shall collectively be referred to as "Buyers." All of the foregoing are occasionally referred to as the "Parties."

WHEREAS, the Board owns facilities for refueling motor vehicles (gasoline and diesel) at Gurney Elementary School, 1155 Bell Road, Chagrin Falls, Ohio ("Fueling Station"); and

WHEREAS, the Board acquires fuel from a supplier [currently Great Lakes Petroleum] and is willing to authorize the Buyers to utilize the Fueling Station for refueling their diesel and gasoline motor vehicles under the terms of this Agreement.

NOW, THEREFORE, THE PARTIES AGREE:

Section 1. It is understood that certain initial modifications to the Fueling Station are required in order for Buyers to make use of it, and Buyers will share equally in the initial expenses for such modifications, which shall not exceed \$4,700 per Buyer. Following the initial modifications, the Parties will share equally in any ongoing maintenance costs for the Fueling Station. The parties shall communicate expected costs of maintenance when such costs are determined so that each party can appropriate a sufficient sum to meet such costs.

Section 2. Upon the completion of any necessary initial modifications to the Fueling Station, the Buyers are authorized to have unlimited access to the Fueling Station to refuel their motor vehicles.

Section 3. The Buyers will pay Great Lakes Petroleum [or its successor] directly for all fuel acquired from the Fueling Station, at the prevailing price established by Great Lakes Petroleum [or its successor].

Section 4. Should there be any damage to the Refueling Station caused by any of the Parties (or their agents or employees), the responsibility for repair rests with the party or parties responsible for the damage. No report of damage under the Board's insurance shall be made unless the Board is responsible for the damage.

Section 5. Any of the Buyers may terminate its participation in this Agreement by providing the other Parties with at least thirty days prior written notice of termination, but in such event any terminating Buyer shall remain obligated to pay for any fuel received prior to the effective date of termination. The Board may terminate this agreement with at least thirty days prior written notice of termination to the Buyers.

[EXECUTION PAGES TO BE ATTACHED]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, effective on the date indicated, by signing identical copies of this Agreement, and have submitted it to the Treasurer of Chagrin Falls Exempted Village School District, along with a certified copy of the legislation authorizing the execution of this Agreement.

VILLAGE OF CHAGRIN FALLS

Date: May 13, 2013

/s/ Thomas Brick
Thomas Brick, Mayor

FISCAL OFFICER'S CERTIFICATE

I, David Bloom, Director of Finance of Chagrin Falls, Ohio, hereby certify that the moneys required to meet the obligations of the political subdivision under the foregoing Agreement during the 2013 fiscal year have been appropriated lawfully for that purpose, and are in the Treasury of the political subdivision or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Ohio Revised Code.

May 13, 2013

David Bloom
David Bloom,
Director of Finance
Chagrin Falls, Ohio

Approved as to form.

Stephen L. Byron
Stephen L. Byron,
Director of Law
Village of Chagrin Falls