



**DIRECTIVE 2017-30**

March 21, 2017

RE: AMENDMENT OF JOINT USE AGREEMENT BETWEEN ZANE STATE COLLEGE AND MUSKINGUM COUNTY BUSINESS INCUBATOR AND MUSKINGUM VALLEY HEALTH CENTERS.

Zane State College has been granted appropriations contained in House Bill 497 of 130<sup>th</sup> General Assembly in the amount of two hundred twenty-five thousand dollars. Muskingum County Business Incubator will use the funds to improve the facility owned by Muskingum County which provides a long term lease to Muskingum County Business Incubator. As required by Ohio Administrative Code section 3333-1-03, Zane State College submitted a Joint Use Agreement Amendment for consideration and approval by the Chancellor to replace Muskingum County Business Incubator as a party to the JUA with Muskingum Valley Health Centers.

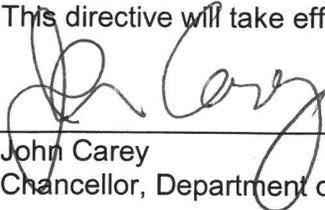
The agreement and amendment conform to Ohio Administrative Code as follows –

- The format of the agreement is appropriate
- The commitment extends no less than twenty years
- The value of use to Ohio higher education institutions is reasonably related to the amount of the appropriation

Agency staff reviewed the agreement and posted its recommendations to the Department's website for purposes of providing a period of public comment before final approval by the Chancellor. The materials posted for comment and the joint use agreement are attached to this document.

Based on my review of staff recommendations, I hereby approve the Joint Use Agreement Amendment between Zane State College and Muskingum County Business Incubator and Muskingum Valley Health Centers.

This directive will take effect immediately.

  
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John Carey  
Chancellor, Department of Higher Education

**AMENDMENT TO THE**  
**JOINT USE AGREEMENT (JUA) BETWEEN**  
**ZANE STATE COLLEGE AND**  
**MUSKINGUM COUNTY BUSINESS INCUBATOR**

The Joint Use Agreement ("Agreement") entered into by and between Zane State College, an instrumentality of the State of Ohio, created under Chapter 3357 of the Ohio Revised Code, whose address is 1555 Newark Road, Zanesville, OH 43701, and the Muskingum County Business Incubator (MCBI) a 501(c)(3) organization whose address is 1555 Newark Road, Zanesville, OH 43701 dated September 9, 2014 is hereby amended as follows:

MCBI responsibilities to the JUA will be replaced in all respects by Muskingum Valley Health Centers (MVHC). The main consideration being that 1,500 square feet of classroom space will be available for Zane State College to use at its discretion and will be available to Zane State College 24 hours per day, 7 days per week and in accordance with all other terms and conditions as set forth in the JUA, fully incorporated by reference herein.

*By and Between:*

Muskingum Valley Health Centers  
(MVHC):



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**Dan Atkinson**  
Chief Executive Officer

*AND,*

Zane State College ("ZSC"):



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**Terri Baldwin, CFO**

*AND,*

Muskingum County Business Incubator  
(MCBI):



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**DAVID McCarley**  
Executive Director

**APPROVED BY:**

**Ohio Department of Higher Education**

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**John Carey, Chancellor (or designee)**



**Board of Regents**

University System of Ohio

John R. Kasich, Governor  
John Carey, Chancellor

**DIRECTIVE 2015-001**

January 5, 2015

**RE: JOINT USE AGREEMENT BETWEEN ZANE STATE COLLEGE AND MUSKINGUM COUNTY BUSINESS INCUBATOR.**

Zane State College has been granted appropriations contained in H.B. 497 in the amount of \$225,000. Zane State College will use the funds to improve the facility owned by Muskingum County which provides a long term lease to Muskingum County Business Incubator. As required by Ohio Administrative Code section 3333-1-03, Zane State College submitted a Joint Use Agreement for consideration and approval by the Chancellor.

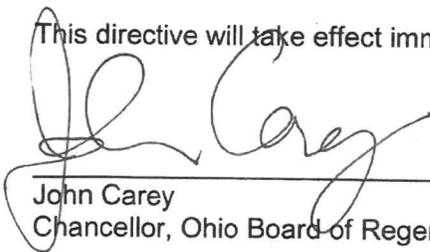
The agreement conforms to Ohio Administrative Code as follows –

- The format of the agreement is appropriate
- The commitment extends no less than twenty years
- The value of use to Ohio higher education institutions is reasonably related to the amount of the appropriation

Agency staff reviewed the agreement and posted its recommendations to the Regents' website for purposes of providing a period of public comment before final approval by the Chancellor. The materials posted for comment and the joint use agreement are attached to this document.

Based on my review of staff recommendations, I hereby approve the Joint Use Agreement between Zane State College and Muskingum County Business Incubator.

This directive will take effect immediately.



John Carey  
Chancellor, Ohio Board of Regents

25 South Front Street  
Columbus, Ohio 43215

phone 614.466.6000  
fax 614.466.5866  
web [www.OhioHigherEd.org](http://www.OhioHigherEd.org)

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## JOINT USE AGREEMENT

This Joint Use Agreement ("Agreement") is entered into by and between Zane State College, an instrumentality of the State of Ohio, created under Chapter 3357 of the Ohio Revised Code, whose address is 1555 Newark Road, Zanesville, OH 43701, and the Muskingum County Business Incubator (MCBI) and 501(c)(3) organization whose address is 2725 Pinkerton Road, Zanesville, OH 43701.

WHEREAS, the 130<sup>th</sup> Ohio General Assembly appropriated in Am. H. B. No. 497 to Zane State College 225,000 dollars for the MCBI.

WHEREAS, the funds will be used to renovate the MCBI building to support a collaborative effort between Zane State College and MCBI for the purpose of providing experiential business opportunities for Zane State Students.

WHEREAS, Ohio Administrative Code §3333-1-03(E) requires a public institution to submit to the Chancellor of the Ohio Board of Regents a joint use agreement that contains the requirements in (E)(1)-(11) for review and approval.

WHEREAS, Zane State College has demonstrated that the value of the use of the facility is reasonably related to the amount of appropriation through the worksheet included in this Agreement as Attachment A.

NOW, THEREFORE, in consideration of the mutual benefits hereunder, it is hereby agreed to between the parties as follows:

1. **Facility or equipment owned, to be built or purchased by nonprofit or public body.** MCBI facility (second floor and outside entrance), located at 2725 Pinkerton Road, Zanesville, Ohio. The property is on a long term lease with Muskingum County for the purpose of economic development.
2. **Use of the facility or equipment by public institution.** The facility will be used to support a collaborative effort between MCBI and Zane State College. The purpose is to provide experiential business opportunities for Zane State College Students. This involves providing at least 1,500 square feet of classroom space for Zane State College to use at its discretion and will be available to Zane State College 24 hours per day, 7 days per week. The term of this agreement is 20 years from the time that the facility is ready for occupancy.

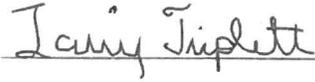
**Joint Use Agreement**  
The Ohio Board of Regents

3. **Reimbursement of funds.** The State shall be reimbursed should Zane State College's right to use the facility be terminated by MCBI prior to the expiration of the 20-year term, calculated by dividing the funds by 20 and multiplying that sum by 20 less the number of full years the facility or equipment is used by the institution.
4. **Use of funds.** The funds will be used to renovate (make useable) the second floor hallways, restrooms, break room, doors, and the outside access/entrance. Funds will only be used for capital improvements and not for operating costs.
5. **Insurance for facility and hold harmless.** MCBI has insurance for the facility and it holds Zane State College harmless from all liability for construction, operation, and maintenance costs of the facility.
6. **Compliance with federal, state and local law.** MCBI will comply with all pertinent federal, state and local laws as well as state administrative regulations.
7. **Competitive bidding.** MCBI follows competitive bidding procedures which include, at a minimum, publishing advertisements to seek bids, receiving sealed bids, and awarding contracts to the lowest responsive and responsible bidder, as described generally in Ohio Revised Code Chapter 153.
8. **Appropriation administrative fee.** Zane State College can be reimbursed for administrative costs incurred as a result of the project equal to 1.5% of the appropriated amount. Zane State College will refuse the administrative fee.
9. **Amendments.** Any amendments to this JUA require the approval by the Ohio Board of Regents and will be submitted to the Chancellor before any amendment takes effect.
10. **Payment.** MCBI shall submit invoices and related documentation to the reasonable satisfaction of Zane State College, after which Zane State College shall transfer appropriate amounts to MCBI.
11. **Terms and conditions of use.** Zane State College will have access to use the designated area at the MCBI building as needed in accordance with its collaboration with MCBI. Zane State plans to use the designated area to support its entrepreneurship program. Zane State will occupy this remodeled space on an annual basis. Students will have the opportunity to develop real life business experiences through the collaboration with MCBI.

**Joint Use Agreement**  
**The Ohio Board of Regents**

Muskingum County Business Incubator (MCBI):

Zane State College:





Larry Triplett

Terri Baldwin

Executive Director

VP for Business Services/Treasurer

