



DIRECTIVE 2020-050

September 28, 2020

RE: JOINT USE AGREEMENT BETWEEN TERRA STATE COMMUNITY COLLEGE AND GREAT LAKES COMMUNITY ACTION PARTNERSHIP

Terra State Community College has been granted appropriations contained in House Bill 481 of 133rd General Assembly in the amount of fifty thousand dollars. Terra State Community College will use the funds to improve the facility owned by Great lakes Community Action Partnership. As required by Ohio Administrative Code section 3333-1-03, Terra State Community 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 Department's website for the purpose 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 Terra State Community College and Great lakes Community Action Partnership.

This directive will take effect immediately.



Randy Gardner
Chancellor

JOINT USE AGREEMENT

This Joint Use Agreement ("Agreement") is entered into by and between Terra State Community College ("Terra"), an instrumentality of the State of Ohio, created under Chapter 3358 of the Ohio Revised Code, whose address is 2830 Napoleon Road, Fremont, Ohio 43420, and Great Lakes Community Action Partnership ("GLCAP"), formerly WSOS Community Action Commission ("WSOS") Inc., private non-profit corporation, whose address is 109 S. Front Street, Fremont, Ohio 43420.

WHEREAS, the 133rd General Assembly of Ohio enacted House Bill 481, which includes a specific appropriation of capital improvement resources directed to Terra State Community College for the benefit of the Northwest Ohio Community Technology Learning Center ("Learning Center") in the amount of fifty thousand dollars (\$50,000); and,

WHEREAS, these funds will be used to construct and purchase equipment for the Northwest Ohio Community Technology Learning Center which will be housed within the GLCAP new corporate facility at 127 S. Front Street, Fremont, Ohio 43420; to wit:

WHEREAS, GLCAP will provide Terra access and connectivity to the Learning Center which will increase and enhance educational opportunities for Terra students and the larger City of Fremont and Northwest Ohio community; and

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

WHEREAS, Terra has demonstrated that the value of the use of the facility or equipment 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. The Learning Center is located at 127 S. Front Street, Fremont, Ohio 43420. The Learning Center will be owned by GLCAP.

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2. Use of the facility or equipment by public institution.

The Learning Center makes available a "branch campus" which will increase Terra's enrollment of non-traditional students.

Provides for greater ability to offer collaborative and ongoing professional and personal skills development to community members in both series format and as-demanded, including, but not limited to topics of Health and Nutrition, Stress and Anxiety, Teamwork and Collaboration, Leadership, Critical Thinking, Effective Communication, Self-Awareness and emotional Intelligence, Generational Differences and Diversity. These skills enhance people's ability to succeed in College coursework, lifelong learning endeavors, and in the workplace.

Provides for daytime and evening learning opportunities to include Lifelong Learners, and a myriad of courses offered through the Kern center at Terra State Community College. The Kern Center for Workforce and Community Education was created to enhance community education and industrial development. The Kern Center continues to provide for the workforce development needs of the region, and offers personal enrichment courses for individuals of all ages. The Learning Center provides a centralized NW Ohio location to convene groups for educational trainings, access to webinars, or in-person distance meetings through a video bridge connection.

Provides the extension of a Virtual/Satellite/Distance Learning Center for Terra State Community College's higher educational partners that have signed Articulation Agreements (Tiffin University, Heidelberg University, and Vanguard/Sentinel Technical Career Centers).

In addition, the center allows participants an alternative site to meet the minimum hours requirement through case management, homework completion, tutoring, financial literacy, workforce preparation activities, labor market and employment information, and entrepreneurial skills training offerings. Terra is already receiving value in addition to additional use of the facility. The terms of use are further described in Attachment A, which is hereby incorporated herein.

The Learning Center will be accessible 180 days annually. Access will include both day and evening hours. In addition to valuation received by a previous joint Use Agreement, Terra State Community College has determined supplementary Value of the use (see Section II for the definition of usage) for the equipment and Satellite Community Classroom Space.

Previously the number of days/evening use was based on (4) hours with a number of days of annual use set at 13 days X \$300 = \$3,900 of total valuation. Since inception, a modification in valuation is needed and justified by an expansion of training offered through Terra State

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Community College. As such the Value of use has been set at \$75/ hr. with an increase to the number of day/evening use and is based on eight (8) hours. With the increase in utilization, Terra State Community College will benefit from the realization of increased courses being offered, while enhancing the relationships with its partners in the Community.

The term of the agreement is for 20 years from the time the facility is ready for occupancy.

3. Reimbursement of funds.

In the event GLCAP terminates Terra's right to use of the Learning Center prior to expiration of the 20-year term, the state shall be reimbursed by GLCAP, 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 received pursuant to this agreement will be used only for capital improvements and not operating costs, and the funds shall be used as defined in the bill appropriating funds.

5. Insurance for facility and hold harmless.

GLCAP shall maintain adequate insurance for the facility and GLCAP shall hold Terra harmless from all liability for construction, operation, and maintenance costs of the facility.

6. Compliance with federal, state and local law.

GLCAP will comply with all pertinent federal, state and local laws as well as state administrative regulations.

7. Competitive bidding.

GLCAP 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.

Terra will be reimbursed \$750 for administrative costs incurred as a result of the project equal to 1.5% (.015) of the appropriated amount.

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9 Amendments.

This Agreement may be amended or modified only in writing, signed by both parties and approved by the Ohio Department of Higher Education.

10. Payment.

The funds shall be paid to GLCAP by Terra as follows:

The parties anticipate the appropriated funds will be released by an approved Controlling Board request directly to Terra. GLCAP shall submit invoices and related documentation to the reasonable satisfaction of Terra, after which the college shall transfer appropriate amounts to GLCAP in a timely manner.

11. Terms and conditions of use.

Terra may use the Learning Center facility only as expressly provided and specified in this Agreement. No other uses are provided or implied. Terra shall not misuse or permit the misuse or damage to the facility. Terra shall comply with all local restrictions and ordinances, including but not limited to parking restrictions, occupancy ratings for the facility and applicable City of Fremont codes, rules and regulations. All uses by the institution shall be consistent with GLCAP's 501-(C)(3) nonprofit status, and with its mission.

During performance of this Agreement and for a period of three (3) years after its completion, GLCAP shall maintain records of all charges that are suitable for audit or reporting as required. GLCAP shall make such records available as Terra or the Ohio Department of Higher Education may require. Further, Terra is subject to R.C. 149.43 of the Ohio Public Records Act. Any record kept by Terra that is deemed a public record is subject to release if a proper request is made.

Further, GLCAP agrees that if it comes into possession of confidential educational records regarding Terra's students that the records are protected by federal law including inter alia the Family Education and Privacy Rights Act ("FERPA") 20 U.S.C.A. § 1232g, and that it may not share or disclose student educational records with any party other than Terra.

Terra acknowledges that it will inform its students of the requirement to comply with all policies and rules of GLCAP while on its premises or during activities. Further, GLCAP

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understands and agrees that Terra will follow its policy on the Student Code of Conduct as needed regarding student discipline and dismissal.

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IN WITNESS WHEREOF, the _____ hereto have executed this Agreement as of the
later date written.

Terra State Community College

R Schumacher
Ronald Schumacher, President

9/08/2020
Date

Great Lakes Community Action Partnership

Ruthann House
Ruthann House, President/CEO

9/7/20
Date

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ATTACHMENT A

Project: Northwest Ohio Community Technology Learning Center

Date:

Section I: State appropriation information.

1. Amount of state appropriation provided: \$50,000
2. Annual debt service on the appropriation: \$3,844.00
3. Term of the state bond, in years: 20

Section II: Value of use of the facility.

Use(s) of the facility*	Annual value of use	# of years
a. Satellite Community Classroom Space	\$ 3,900	20
b.	\$	
c.	\$	
d.	\$	
	\$	
	\$	

*Use includes Northwest Ohio Community Technology Learning Center space, furniture, coffee bar, kitchenette, restrooms and facility security system, as well as access to and use of laptops, tablets, charging carts, conferencing systems, communication video bridge, smart boards, collaboration software and hardware, portable EON iBenches, wireless connectivity, and audio system.

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Section III:

The Northwest Ohio Community Technology Learning Center will be open to Terra State Community College for a wide variety of technology linked learning experiences as outlined within section (2) of the Joint Use Agreement.

The Kern Center at Terra State Community College provides daytime and evening noncredit learning opportunities to include Lifelong Learners, and a myriad of courses. This joint use agreement will provide a centralized NW Ohio Satellite Community Classroom Space to convene groups for educational trainings, access to webinars, or in-person distance meetings through a video bridge connection.

This satellite location to the Kern Center, provides for greater ability to offer collaborative and ongoing professional and personal skills development to community members in both series format and as-demanded, including, but not limited to topics of Health and Nutrition, Stress and Anxiety, Teamwork and Collaboration, Leadership, Critical Thinking, Effective Communication, Self-Awareness and emotional Intelligence, Generational Differences and Diversity. These skills enhance people's ability to succeed in College coursework, lifelong learning endeavors, and in the workplace.

The Northwest Ohio Community Technology Learning Center will be accessible to Terra State Community College 180 days annually. Access will include both day and evening hours. In addition to valuation received by a previous joint Use Agreement, Terra State Community College has determined supplementary Value of the use (see Section II of the Worksheet for the definition of usage) for the equipment and Satellite Community Classroom Space.

Listed below are the service descriptions and the annual uses for this agreement.

This agreement provides an additional 4 hours of use per day to the 4 hours of use already received in a previous joint use agreement.

- This agreement includes an expansion of training offered through Terra State Community College.
- An additional 4 hours per day access to the onsite training facility.
- 4 hours per day @ \$75 per hour for 13 days is a new valuation of \$3,900.

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- With the increase in utilization, Terra State Community College will benefit from the realization of increased courses being offered, while enhancing the relationships with its partners in the Community.

The uses listed above is in addition to the use provided from Directive 2017-20.

Listed below are the annual uses from Directive 2017-20 that will continue to be used by Terra State Community College.

- Access of Learning Center annually.
- Access of 4 hours @ \$75 per hour for 13 days per year resulting in a valuation of \$3,900.