DIRECTIVE 2021-038

October 12, 2021

RE: JOINT USE AGREEMENT BETWEEN THE SINCLAIR COMMUNITY COLLEGE AND BOYS AND GIRLS CLUB OF DAYTON

Sinclair Community College has been granted appropriations contained in Senate Bill 310 of 133rd General Assembly in the amount of one million dollars. Sinclair Community College will use the funds to improve the facility owned by Boys and Girls Club of Dayton. As required by Ohio Administrative Code section 3333-1-03, Sinclair 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 Sinclair Community College and Boys and Girls Club of Dayton.

This directive will take effect immediately.

Randy Gardner
Chancellor
JOINT USE AGREEMENT

This Joint Use Agreement (“Agreement”) is entered into by and between Sinclair Community College (SCC), an Ohio community college and a political subdivision of the State of Ohio, created under Chapter 3354 of the Ohio Revised Code, whose address is 444 West Third St, Dayton, OH 45402 and the Boys and Girls Club of Dayton (BGCD) a 501c3 corporation operating in the State of Ohio, whose address is 1828 West Stewart Street, Dayton, OH 45417.

WHEREAS, SB310 of the 133rd General Assembly, effective December 29, 2020, C37752, provides one million dollars ($1,000,000) to SCC to be used for the “21st Century Boys and Girls Club.”

WHEREAS, BGCD will renovate their current building located at 1828 West Stewart Street which for more than 60 years has been an anchor and oasis with a mission focused on inspiring, developing and helping young people to reach their full potential;

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;

WHEREAS, SCC 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.**
   BGCD will purchase equipment, furniture and renovate as needed the facility owned by the Boys and Girls Club of Dayton which is located at 1828 West Stewart Street, Dayton, OH 45417 (“SITE”).

2. **Use of the facility or equipment by public institution.** SCC will utilize the facility and equipment to provide Physical education and Pre-College program courses for a term of twenty (20) years, commencing on the date access to the facility is made available. The location and set up of the facility is set forth in the floor plan/schematic attached as Exhibit A, and the use is outlined in Attachment A, both hereby incorporated.
3. **Reimbursement of funds.** In the event that BGCD desires to terminate this Agreement prior to the expiration of its term, BGCD shall return to the State of Ohio a pro rata portion of the State appropriation, 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 SCC.

4. **Use of funds.** All funds will be used for equipment and furniture purchase as well as renovation of SITE. No funds of this appropriation will be used for operations.

5. **Insurance for facility and hold harmless.** BGCD will have adequate and acceptable insurance on the equipment purchased under this agreement for the SITE, and ensure that all users, including SCC, carry appropriate and adequate insurance for their general use of the SITE. BGCD shall hold SCC harmless from all liability for construction, operation, and maintenance costs of the facility.

6. **Compliance with federal, state and local law.** BGCD will comply with all pertinent federal, state and local laws and administrative regulations and rules.

7. **Competitive bidding.** BGCD will create the necessary documents to support a competitive bidding process, which will 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.** SCC will receive a 1.5% administrative fee in the amount of $15,000 for administrative costs incurred as a result of the project.

9. **Amendments.** BGCD and SCC acknowledge that any amendments to the JUA require the approval by the Ohio Department of Higher Education and will be submitted to the Chancellor before any amendment takes effect.

10. **Payment.** An approved Controlling Board request will release project funds. BGCD shall submit invoices and related documentation to the reasonable satisfaction of SCC, after which SCC shall transfer appropriate amounts to BGCD.

11. **NON-PROFIT STATUS.** BGCD is a 501(c)(3) nonprofit organization. If non-profit status is lost, BGCD must notify State of Ohio as this may prompt payback referenced in section 3.
Joint Use Agreement

Sinclair Community College

By: [Signature]
Title: Director of Business Services
Date: 8-30-2021

Boys and Girls Club of Dayton

By: [Signature] Tara Marlin
Title: Chief Executive Officer
Date: 8-30-21

Sinclair Community College & Boys and Girls Club of Dayton
21st Century Boys and Girls Club
ATTACHMENT A

Project: 21st Century Boys and Girls Club

Date: 2021

Section I: State appropriation information.

1. Amount of state appropriation provided: $1,000,000

2. Estimated annual debt service on the appropriation: $76,877.00

3. Term of the state bond, in years: 20 YEARS

Section II: Estimated value of use of the facility.

<table>
<thead>
<tr>
<th>Use(s) of the facility*</th>
<th>Annual value of use</th>
<th># of years</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Gymnasium</td>
<td>$62,400.00</td>
<td>20</td>
</tr>
<tr>
<td>b. Teen Meeting Space</td>
<td>$14,627.60</td>
<td>20</td>
</tr>
<tr>
<td>c.</td>
<td>$77,027.60 Combined</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

(* List additional uses on separate page as needed.)
ATTACHMENT A

SECTION III

SCC wishes to enter into a Joint Use Agreement with BGCD for a state appropriation of $1,000,000. The annual debt service paid by the state on this appropriation is about $76,877.00 per year, for 20 years. The value of the uses of the facility is reasonably related to the state appropriation at $77,027.60 per year for 20 years.

A. Gymnasium $ 62,400 PER YEAR
   a) Basis of estimate: (4 hour session x 3 times per week) = 12 hours per week x 52 weeks in a year = 624 hours annually @ $100.00/hour
      i) Gymnasium Rentals at the Kettering Recreational Complex is quoted at $100 per hour for use of the full gym.

B. Teen Meeting Space $ 14,627.60 PER YEAR
   a) Basis of estimate: (2 hour session x 5 times per week) = 10 hours per week x 52 weeks in a year = 520 hours annually @ $28.13/hour
      i) Flexible meeting space at the Sinclair Conference Center with 26 capacity is quoted at $225 for a full day/8hrs = $28.13 per hour

Rationale: BGCD believes that every child deserves a great future and strives to see that every child within their reach has access to a world-class Club Experience that assures success is within their reach. SCC will enhance the offerings at the SITE by offering instruction as needed whether credit or non-credit courses. The Gymnasium will allow Sinclair’s many Physical Education classes whether credit or non-credit to be taught at the SITE. The Teen meeting space will allow Sinclair’s many Pre-College programs to offer courses and outreach. Sinclair’s Pre-College programs offer guidance to those on a pathway to college and also tutorial sessions for those needing help to get on the path towards college. Both of these options will provide local Boys and Girls as well as community members of the Greater Dayton area access to this extraordinary training option at the SITE. Sinclair looks forward to accessing this SITE to bring Sinclair’s exceptional training options to this area.
# Joint Use Agreement

## Rental Pricing 2021

### Kettering Recreation Complex (KRC)

#### Facility Hours

- **M-F**: 5:30a-8p
- **Sat**: 7a-6p
- **Sun**: 10a-5p

### Gymnasium

<table>
<thead>
<tr>
<th>Facility</th>
<th>Base Rate</th>
<th>Resident Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Court (1/2 Gym)</td>
<td>$50/hr</td>
<td>$40/hr</td>
</tr>
<tr>
<td>Two Courts (Full Gym)</td>
<td>$100/hr</td>
<td>$80/hr</td>
</tr>
</tbody>
</table>

Residents receive 20% off the base rate.

Prices include use of the space, applicable equipment and 1 qualified staff member to be here during the rental. Rentals after 4+ hours will receive a 10% discount off of the total contracted amount.

For more information or to book the Gymnasium, please contact 937-296-2587.

### Main Pool and Water Park

<table>
<thead>
<tr>
<th>Facility</th>
<th>Base Rate</th>
<th>Resident Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Pool/Spa Area (18+ only in Spa Area)</td>
<td>$200/hr</td>
<td>$150/hr</td>
</tr>
<tr>
<td>Water Park</td>
<td>$400/hr</td>
<td>$325/hr</td>
</tr>
<tr>
<td>Water Park and Main Pool/Spa Area</td>
<td>$475/hr</td>
<td>$375/hr</td>
</tr>
</tbody>
</table>

Residents receive 20% off the base rate.

The Main Pool and Water Park pricing has a qualified manager/ supervisor built into the price of the Facility.

Summer Staff Standard is Lifeguards, Water Park Attendants (WP ONLY) and one WP Manager.

F/W/SP Staff Standard is Lifeguards (max 3) and a qualified manager/supervisor.

Rentals after 4+ hours will receive a 10% discount off of the total contracted amount.

For more information or to book the Main Pool or Water Park, please contact Tiffany Williams at 937-296-3340 or tiffany.williams@ketteringoh.org.

### Ice Arena

- **Facility**
- **Main Pool/Spa Area (18+ only in Spa Area)**
- **Water Park**
- **Water Park and Main Pool/Spa Area**

- **Base Rates**
  - Main Pool/Spa Area: $200/hr
  - Water Park: $400/hr
  - Water Park and Main Pool/Spa Area: $475/hr

### Rental Schedule

<table>
<thead>
<tr>
<th>Rental Period</th>
<th>Reservations Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall (9/2-12/31)</td>
<td>June 1st</td>
</tr>
<tr>
<td>Winter (1/1-3/31)</td>
<td>Sept 1st</td>
</tr>
<tr>
<td>Spring (4/1-6/1)</td>
<td>Jan 2nd</td>
</tr>
<tr>
<td>Summer (6/2-8/1)</td>
<td>Mar 1st</td>
</tr>
</tbody>
</table>

For more information or to book a rental at the Kettering Recreation Complex or Charles I. Lathrem Senior, please contact Tiffany Williams at 937-296-3340 or tiffany.williams@ketteringoh.org.