

IN THE MATTER OF approval of an Agreement between the Fairfield County Board of Commissioners and the Fairfield County Amateur Radio Club

WHEREAS, the Fairfield County Board of Commissioners own certain real property at 380 Marty Drive, Lancaster Ohio that contains a building for housing radio equipment, and

WHEREAS, the Fairfield County Amateur Radio Club desired to enter into an agreement with the Board of Commissioners to access and use the building for certain radio equipment the Club owns and maintains, and

WHEREAS, the County Prosecutor has approved the attached agreement as to form,

NOW THEREFORE,

BE IT RESOLVED by the Board of County Commissioners, County of Fairfield, State of Ohio:

SECTION 1: that the Board of Commissioners hereby authorizes itself to sign the attached agreement.

Motion by JUDITH SHUPE seconded by JON MYERS that the resolution be adopted was carried by the following vote:

YEAS: SHUPE, MYERS, KIGER NAYS: NONE

ABSTENTIONS: NONE

cc: Staci Knisely

Jon Kochis, EMA

Tony Vogel, Facilities Manager

Mike Kiger

ADOPTED SEPTEMBER 14, 2010

Judith Shupe

Jon Myers
Board of County Commissioners

Scott A. Zody
Scott A. Zody, Clerk/Manager

Memorandum of Agreement
Fairfield County Commissioners and the Fairfield County Amateur
Radio Club

This agreement is entered into this 14th day of September 2010 by and between the Board of Fairfield County Commissioners and the Fairfield County Amateur Radio Club.

The Board of Fairfield County Commissioners ("the Board") and the Fairfield County Amateur Radio Club ("the Club") do hereby consent and enter into this Memorandum of Agreement ("MOA") for the Club to occupy and utilize certain county owned property located at 380 Marty Drive, Lancaster, Ohio 43130 ("the Premises") to facilitate Club activities and provide emergency civilian communications capability.

The Club shall be granted access to and use of the radio equipment building located at the Premises. The Club may, with the written permission and oversight of the Fairfield County Emergency Management Director, conduct limited renovation of the radio building and install Club owned radio equipment. The Board shall have the right to terminate this agreement upon thirty (30) days written notice to the Club and at the end of such 30 day period the Club shall be required to vacate the Premises, remove all equipment and personal property there from and, except as might otherwise be agreed by the Board in writing, return the Premises to the condition it was in when the Club originally occupied it, normal wear and tear excepted.

Under no circumstances will the Club initiate any occupancy, renovation, or installation of equipment without first consulting and obtaining the written authorization of the EMA Director.

It is the responsibility of the Club to fully maintain the equipment at the Premises while such equipment is in their possession and under their control. The equipment must be maintained in good working order and accordance with any manufacturer's specifications.

The Club agrees to accept any and all liabilities for equipment installed in the building on the Premises and for any loss or damages caused to any county owned equipment within said building. The Club shall, at its own expense, repair and replace any lost or damaged equipment. The Club shall provide for all maintenance, housing and repair costs of its equipment and of the Premises during its occupancy of the Premises.

The Club agrees to appear before the Fairfield County Emergency Management Director if an alleged violation of this agreement occurs. Parties will meet to discuss a mutually agreeable resolution of any such violation.

This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind, preceding this shall not be binding, except for the extent incorporated in this agreement.

Any modification, addendum or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative to each party.

In Witness Whereof, the parties agreed to have set their signatures on this 14th day of September, 2010.

Fairfield Amateur Radio Club

By: TRUSTEE
Title

John B. Hilliard
Signature

Fairfield County Board of Commissioners

By: Mike Kiger
Commissioner

Janith Krause
Commissioner

Jon Myer
Commissioner