

## RESOLUTION NO. 104-20

**A RESOLUTION APPROVING THE AMENDED GRANT CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION OFFICE OF AVIATION FOR THE MEDINA MUNICIPAL AIRPORT, REMARK AIRFIELD PROJECT, AND REPEALING RESOLUTION NO. 21-20, PASSED JANUARY 27, 2020, AND DECLARING AN EMERGENCY.**

**WHEREAS:** The City of Medina, Ohio applied for a grant application for Project #1063, Remark Airfield at Medina Municipal Airport by the passage of Resolution No. 21-20, passed January 27, 2020; and

**WHEREAS:** The City received notification from ODOT that due to a statewide deficit, the SFY 2020 Airport Grant Program has experienced a major reduction in funding and were notified to take no further action on this project, however, the State will cover the costs for all expenses incurred to date via an amended grant contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That the Council of the City of Medina, Ohio hereby approves and the Mayor is authorized to sign the amended grant contract with the Ohio Department of Transportation Office of Aviation for Project #1063, Remark Airfield at the Medina Municipal Airport.

**SEC. 2:** That a copy of the Amended Grant Contract is marked Exhibit A, attached hereto and incorporated herein.

**SEC. 3:** That Resolution No. 21-20, passed January 27, 2020 is hereby repealed.

**SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**SEC. 5:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the fully executed modified agreement must be submitted by June 1, 2020; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** May 26, 2020

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** May 27, 2020

**SIGNED:** Dennis Hanwell  
Mayor

Res. 104-20  
Exh. A

**AMENDED GRANT CONTRACT**

under

The Fiscal Year 2020 Ohio Airport Grant Program

between the

**City of Medina**

and

The Ohio Department of Transportation

Office of Aviation

ODOT Project Number

20-03

***OHIO DEPARTMENT OF TRANSPORTATION***

***Office of Aviation***

***Ohio Airport Maintenance Amended Grant Contract***

***ODOT Project. No. 20-03***

**WHEREAS**, due to the COVID-19 pandemic, the State of Ohio state general revenues are below the budgeted estimates by nearly one billion dollars; and

**WHEREAS**, as a result, budget line items funded by state general revenues are being reduced throughout the state; and

**WHEREAS**, the Office of Budget and Management has cut \$3.1 million from the Ohio Aviation Grant Program; and

**WHEREAS**, paragraph 2.4 of the grant contract states that legislative or administrative action may reduce program funds available to ODOT for administration of this Contract. In the event such action occurs at any time before ODOT has made final payment under this Contract, ODOT shall be relieved of its obligation to pay the amount specified in this section and shall be required to pay only such amount as it may determine; and

**WHEREAS**, paragraph 2.5 of the grant contract states this Contract is subject to prior certification by the Director of the Office of Budget and Management that there is a balance in the funds appropriated sufficient to meet the state's obligations under this contract, and that said balance is not already obligated to pay existing obligations. Payment of grant funds is subject to an appropriation and certification in accordance with requirements of ORC Section 126.07; and

**WHEREAS**, paragraph 2.6 of the grant contract states that non-Appropriation and OBM Certification: Performance by ODOT under this Contract (or Addendum) is dependent upon the appropriation of funds by the Ohio General Assembly. Therefore, in accordance with Section 126.07 of the Ohio Revised Code, it is understood that ODOT's funds are contingent on the availability of such lawful appropriations by the Ohio General Assembly. If the Ohio General Assembly fails at any time to continue funding for the payments due hereunder, this Agreement is hereby terminated as of the date that the funding expires without further obligation of ODOT; and

**WHEREAS**, paragraph 2.7 of the grant contract states ODOT reserves the right to make partial payments on any Grant Contract when necessary to conform to appropriation levels and cash availability;

NOW, THEREFORE , the State of Ohio, Department of Transportation and the

*City of Medina*

hereby agree to amend the Ohio Airport Maintenance Grant Contract paragraph as follows:

SECTION 2: SCOPE OF PROJECT AND FUNDING shall be amended as follows:

Scope of Project: **Remark Airfield at Medina Municipal Airport**

2.2 The Project costs are as follows:

Total Project Cost: \$50,812

Total Local Share: \$2,595

**Total State Share: \$48,217**

All other terms and conditions of the Grant Contract shall remain the same for the duration of the Grant Contract.

Any person executing this Amended Grant Contract hereby represents and warrants that he/she has been duly authorized to do so.

This Amended Grant Contract may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Any party hereto may deliver a copy of its counterpart signature page to this Amended Grant Contract via fax or email. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

(The remainder of this page is left blank intentionally)

AMENDED GRANT CONTACT ODOT Project. No. «Project\_Number»

**FOR THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION:**

The Director of the Ohio Department of Transportation has duly executed this Amended Grant Contract this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Director of the Ohio Department of Transportation

**FOR THE GRANTEE:**

Executed this 27<sup>th</sup> day of May, 2020.

By: Dennis Hanwell

Title: Dennis Hanwell, Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE OF GRANTEE'S ATTORNEY:**

I, Gregory A. Huber, acting as attorney for the Grantee, do hereby certify that I have examined this Amended Grant Contract and the proceedings taken by the Grantee related thereto, and find that the acceptance of ODOT's offer by the Grantee has been duly authorized by the Grantee's action dated 5/27/20, (a certified copy of which is attached hereto) and that the execution of this Amended Grant Contract is in all respects due and proper and in accordance with applicable federal, state and local law, and further that, in my opinion, said Amended Grant Contract constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof. If the project is to be performed on property owned in fee simple by the Grantee, I certify that there are no legal impediments that will prevent full performance of the Contract by the Grantee. I further certify that, to the best of my knowledge, there is no litigation, pending or threatened, which might affect the performance of the project in accordance with the terms of this Amended Grant Contract.

Dated this 27 day of May, 2020.

By: Greg Huber Gregory A. Huber

Title: Director of Law - City of Medine