



Office of the City Manager
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Memo

To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager 
Date: March 3, 2016
Initiated By: Angel L. Mumma, Director of Finance
Re: Resolution 15-16 – Addendum to the agreement between the City of Dublin and the Dublin Arts Council

Background

Resolution 15-16 authorizes the City Manager to execute an addendum to the existing agreement between the City of Dublin and the Dublin Arts Council (DAC).

At the Finance Committee of the Whole meeting held Monday, February 22, 2016, City Council approved a motion to change the funding endowment to the DAC. The current agreement states that the DAC is to receive twenty-five percent (25%) of the projected Hotel/Motel Tax for the City of Dublin, Ohio as set forth in Exhibit A of the agreement. Exhibit A sets forth the annual projected Hotel/Motel Tax from 2009 through 2026. The DAC endowment was based on 25% of this amount.

The addendum modifies the funding endowment language to provide the DAC with 25% of the actual Hotel/Motel Tax collected by the City.

Approval of Resolution 15-16 at the March 7 City Council meeting will allow the DAC to receive their March distribution (of the January 2016 receipts) at the 25% level. Attached for Council's review is a redlined version of the addendum.

Recommendation

Staff recommends that City Council approve Resolution 15-16 at the March 7, 2016 meeting.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 15-16 Passed _____, 20____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE PREVIOUSLY EXECUTED AGREEMENT BETWEEN THE CITY OF DUBLIN AND THE DUBLIN ARTS COUNCIL

WHEREAS, the City of Dublin and the Dublin Arts Council have consistently cooperated to provide cultural and artistic opportunities for the citizens and visitors of the City; and

WHEREAS, the City of Dublin and the Dublin Arts Council have agreed that the City will provide the Dublin Arts Council with funding to further the non-profit's activities, programs and services it provides for the benefit of the citizens and the visitors to the City; and

WHEREAS, the commitments of the parties are commemorated in an agreement, which was last amended in 2012; and

WHEREAS, the parties have revisited the agreement based upon the needs and goals of each party; and

WHEREAS, under the agreement, the City provides a funding endowment to the Dublin Arts Council equal to 25% of the projected Hotel/Motel Tax for the City of Dublin; and

WHEREAS, the parties desire to amend that funding requirement so that the City of Dublin will now provide a funding endowment to the Dublin Arts Council equal to 25% of the actual Hotel/Motel Tax collected for the City of Dublin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized to execute the attached addendum to the previously executed agreement between the City of Dublin and the Dublin Arts Council, which amends the Funding Endowment.

Section 2. This Resolution shall take effect and be in force in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____, 2016

Mayor – Presiding Officer

ATTEST:

Clerk of Council

ADDENDUM

This Addendum to the Agreement between the City of Dublin and the Dublin Arts Council, (“Agreement”), is made and entered into on this ___ day of _____, 2016 by and between the City of Dublin (“Dublin”), an Ohio municipal corporation, and the Dublin Arts Council (“DAC”), a non-profit 501(c)(3)corporation. Dublin and the DAC are hereinafter collectively referred to as the Parties.

In the event of a conflict between the language or intent of this Addendum and any attached or supporting documents, including the Agreement, the terms and conditions of this Addendum shall control.

Background Information

WHEREAS, in 2012, the Parties entered into the Agreement to provide cultural and artistic opportunities for citizens and visitors of Dublin and to provide funding commitments by Dublin to the DAC;

WHEREAS, under the terms of the Agreement, Dublin was responsible for funding an endowment for the DAC in an amount equal to 25% of the projected Hotel/Motel Tax for the City of Dublin;

WHEREAS, also under the terms of the Agreement, an exhibit (Exhibit A) was attached that listed the projected Hotel/Motel tax estimates from 2009-2026;

WHEREAS, the DAC has requested, and Dublin agrees, to modify the funding arrangement so that Dublin will now be responsible for funding an endowment for the DAC in an amount equal to 25% of the actual Hotel/Motel Tax collected by Dublin.

Agreement

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency which are hereby acknowledged, the Parties agree to the foregoing background information and as follows:

I. Section 1 of the Agreement is hereby revised as follows:

1. **FUNDING ENDOWMENT.** For and in support of DAC's non-profit activities and the programs and services it provides for the benefit of the citizens and visitors of the City, the City shall, subject to the availability of funds and approval of the then existing Dublin City Council and all necessary municipal authorities, pay to DAC an amount equal to twenty-five percent (25%) of the actual ~~projected~~ Hotel/Motel Tax ~~for collected by~~ the City of Dublin, Ohio ~~as set forth in Exhibit A of this Agreement~~ (the “Endowment”). ~~In the event that the actual Hotel/Motel Tax received by the City is greater than the currently Projected Hotel/Motel Tax as set forth in Exhibit A, the amount of the DAC’s Endowment~~

~~shall nonetheless be twenty five percent (25%) of the currently Projected Hotel/Motel Tax as set forth in Exhibit A.~~ The Endowment may be used by DAC for its general operating purposes and shall be used as more specifically set forth herein.

II. Exhibit A is hereby deleted in its entirety as follows:

Exhibit A

Projected Hotel/Motel Tax

Year	Projected Tax	25% of Projected tax
2009	\$2,086,896.00	\$521,724.00
2010	\$2,128,634.00	\$532,159.00
2011	\$2,171,207.00	\$542,802.00
2012	\$2,214,631.00	\$553,658.00
2013	\$2,258,923.00	\$564,731.00
2014	\$2,304,102.00	\$576,026.00
2015	\$2,350,184.00	\$587,546.00
2016	\$2,397,187.00	\$599,279.00
2017	\$2,445,131.00	\$611,288.00
2018	\$2,494,034.00	\$623,509.00
2019	\$2,543,915.00	\$635,979.00
2020	\$2,594,793.00	\$648,698.00
2021	\$2,646,689.00	\$661,672.00
2022	\$2,699,622.00	\$674,906.00
2023	\$2,753,615.00	\$688,404.00
2024	\$2,808,687.00	\$702,172.00
2025	\$2,864,861.00	\$716,251.00
2026	\$2,922,158.00	\$730,540.00

III. The Parties acknowledge that the endowment funding provided for in this Addendum could result in funding levels that are lower than or higher than the guaranteed payment under the previous funding commitment set forth under the Agreement.

IV. The remainder of the terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Addendum as of the _____ day of _____.

CITY OF DUBLIN, OHIO

DUBLIN ARTS COUNCIL

Dana L. McDaniel

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