PURPOSE. The purpose of this memorandum is to provide to non-state Owners whose projects have received funding in a state capital appropriations bill information necessary to obtain disbursement of those funds for use in their projects.

BACKGROUND. In state capital bills, the use of state appropriations for the improvement of property not owned by the state is restricted by the General Assembly. In general, state capital appropriations may only be used to improve non-state property if a state institution of higher education has a long-term lease or other interest in the property that provides a benefit to the institution commensurate with the investment of state funds.

JOINT USE AGREEMENT. In the absence of a lease, a joint use agreement (JUA) in a form approved by the Board of Regents and entered into between an institution and the owner of the project is the instrument that grants to the institution the requisite interest in the Owner’s facility and permits the investment of state funds.

TERMS OF THE JUA. The General Assembly required that the Ohio Board of Regents (OBR) adopt a rule specifying the terms that must be included in a JUA. See Ohio Administrative Code 3333-1-03(E)(1) through (11). Inclusion of each of those terms in a JUA is mandated, and is not subject to negotiation by the institution. The disbursement of state capital appropriations to the Owner is conditioned upon the Owner’s acceptance of and compliance with those terms.

FORM OF JUA. A form of JUA acceptable to the University which incorporates the terms required by the OBR has been prepared by UC (UC JUA) and is available on the UC Controller’s website http://www.uc.edu/af/controller/resources.html#Joint. The form contains blanks that must be completed in conformity with the included instructions. A draft UC JUA should be submitted to the University for review and approval before execution c/o the UC Office of General Counsel. After approval, four (4) duplicate originals should be executed on behalf of the Owner and submitted to the UC Architect’s Office for execution by the University and submission to the OBR for approval and further processing.

JOINT USE AGREEMENT ANALYSIS AND WORKSHEET. Attached as Exhibits D and E to the form of the UC JUA are OBR forms that must be completed by Owner and submitted along with the UC JUA for review and approval by OBR. Provided no changes are made to the form of the UC JUA, then the response to each of the questions on Exhibit D, Joint Use Agreement Analysis, is “yes.” Exhibit E, Joint Use Agreement Worksheet, is a bit more complicated and the Owner may require input from the UC Controller’s Office.

TIMING. The process from notice of appropriation to disbursement of funds will take a minimum of 3 to 6 months, assuming the owner acts promptly to initiate the process and completes the forms accurately. The steps in the process are described separately in a document entitled, University of Cincinnati Procedure for Joint Use Agreement which is also available on the UC Controller’s website.