

1 RESOLUTION NO. 2016-427

Late Filing

2
3 SPONSOR Ms. Shapiro

4
5 DATE October 31, 2016

COMMITTEE Planning

6
7 **A Resolution requesting the issuance by the Akron, Bath and Copley Joint Township**
8 **Hospital District, Ohio, of Hospital Facilities Refunding and Improvement Revenue Bonds,**
9 **pursuant to Chapter 140 of the Ohio Revised Code, a portion of the proceeds of which will**
10 **be used to pay costs of certain hospital facilities located in the County of Summit, Ohio,**
11 **and authorizing and approving related matters, for the Executive's Department of Law,**
12 **Insurance and Risk Management, and declaring an emergency.**

13
14 WHEREAS, the County of Summit, Ohio (the "County") is a "public hospital agency,"
15 as defined in Chapter 140 of the Revised Code (the "Act"), and is authorized by the Act to enter
16 into agreements with other public hospital agencies (a) to acquire, construct, improve and equip
17 "hospital facilities," as defined in the Act, and (b) to provide for the issuance of revenue bonds to
18 pay "costs of hospital facilities," all as defined and provided in the Act;

19
20 WHEREAS, the Akron, Bath and Copley Joint Township Hospital District, Ohio (the
21 "Issuer") and the County entered into a Public Hospital Agencies Agreement dated as of April 1,
22 2002 (the "Agreement"), authorized by Ordinance No. 2002-245 and passed April 29, 2002 and
23 approved April 30, 2002, which contemplates, among other things, the issuance of bonds by the
24 Issuer to finance hospital facilities of Summa Health System (which includes hospital facilities
25 located within the County) ("Summa Health System"); and

26
27 WHEREAS, Summa Health System has requested that this Council and the County
28 Executive approve the issuance by the Issuer of Hospital Facilities Refunding and Improvement
29 Revenue Bonds in one or more series in the maximum aggregate principal amount of
30 \$450,000,000 (the "Hospital Facilities Refunding and Improvement Revenue Bonds") to pay
31 costs of hospital facilities situated within the jurisdiction of the Issuer, hospital facilities situated
32 within the jurisdiction of the County and hospital facilities situated within the jurisdiction of the
33 County of Medina, Ohio ("Medina County");

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35 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, Ohio, that:

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37 SECTION 1

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39 Findings and Determinations. This Council finds and determines, consistent with, and in
40 furtherance of the Agreement, that (a) the proposed issuance of Hospital Facilities Refunding and
41 Improvement Revenue Bonds by the Issuer will promote the public purposes stated in Section
42 140.02 of the Act and (b) Summa Health System constitutes a nonprofit hospital agency within
43 the meaning of the Act and the hospital facilities to be financed or refinanced by the Hospital
44 Facilities Refunding and Improvement Revenue Bonds and to be utilized in connection with the
45 provision of health care services by Summa Health System within this County constitute hospital
46 facilities, the costs of which are financeable under the Act.

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48 SECTION 2

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50 Request for Issuance of Hospital Facilities Refunding and Improvement Revenue Bonds.
51 This Council requests that the Issuer issue the Hospital Facilities Refunding and Improvement
52 Revenue Bonds pursuant to the Act and allocate a portion of the proceeds to finance the costs of

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4 SECTION 2 (Cont.)

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6 hospital facilities within this County, consistent with the provisions of this Resolution. A public
7 hearing with respect to the proposed issuance of the Hospital Facilities Refunding and
8 Improvement Revenue Bonds shall be conducted by the Issuer or its designee on behalf of the
9 Issuer and the County. Notice of the public hearing shall be published in the *Akron Beacon*
10 *Journal*, a newspaper of general circulation in Summit County. Following such hearing, the
11 County Executive is authorized to approve the issuance of the Hospital Facilities Refunding and
12 Improvement Revenue Bonds as the “applicable elected representative” of the County. Such
13 approval shall also constitute the approval of this Council.

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15 SECTION 3

16
17 Public Hospitals Agencies Agreement. This Council finds, determines and confirms that
18 the Hospital Facilities Refunding and Improvement Revenue Bonds are “Obligations”
19 contemplated by the Agreement.

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21 SECTION 4

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23 Authorization and Execution of Documents. The County Executive, the Clerk of this
24 Council and any other appropriate officer of the County, acting alone or acting together with any
25 of the others, is authorized and directed to execute, deliver and, if applicable, file for and in the
26 name and on behalf of the County, any certifications, financing statements, assignments and
27 other instruments and documents and take such other actions which are necessary or appropriate
28 to consummate the transactions contemplated in this Resolution and the Agreement.

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30 SECTION 5

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32 No Obligation. The Hospital Facilities Refunding and Improvement Revenue Bonds do
33 not constitute general obligations, debt or bonded indebtedness of the Issuer or this County and
34 neither the faith or credit or taxing power of the Issuer or this County or any other political
35 subdivision shall be pledged to the payment of principal of or interest on the Hospital Facilities
36 Refunding and Improvement Revenue Bonds and the holders or owners thereof shall not be
37 given the right and have no right to have excises or taxes levied by the Issuer or this County for
38 the payment of principal of and interest thereon. Further, no part of the Hospital Facilities
39 Refunding and Improvement Revenue Bonds shall be issued, or shall be deemed issued, for or on
40 behalf of the County.

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42 SECTION 6

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44 Emergency Provision. This Resolution is declared to be an emergency measure necessary
45 for the immediate preservation of the public peace, health and safety of the County and for the
46 further reason that this Resolution is required to be immediately effective in order to enable the
47 County to approve and facilitate the issuance of the Hospital Facilities Refunding and
48 Improvement Revenue Bonds, and thereby to permit Summa Health System to acquire,
49 construct, improve, equip and refinance hospital facilities and to enhance the availability,
50 efficiency and economy of hospital facilities and services rendered thereby available to County
51 residents.

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2 PAGE THREE

3
4 SECTION 7

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6 Effectiveness. Provided this Resolution receives the affirmative vote of eight members, it
7 shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall
8 take effect and be in force at the earliest time provided by law.

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10 SECTION 8

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12 Compliance with Open Meeting Requirements. This Council finds and determines that
13 all formal actions of this Council concerning and relating to the adoption of this Resolution were
14 taken in an open meeting of this Council and that all deliberations of this Council and of any
15 committees that resulted in those formal actions were in meetings open to the public in
16 compliance with the law.

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19 INTRODUCED October 31, 2016

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21 ADOPTED October 31, 2016

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25 _____
26 CLERK OF COUNCIL

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30 _____
31 PRESIDENT OF COUNCIL

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33 APPROVED November 1, 2016

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36 _____
37 EXECUTIVE

38 ENACTED EFFECTIVE November 1, 2016

Voice Vote: YES: 10-0 - Crawford, Dickinson, Donofrio, Feeman,
Kostandaras, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Lee