

1 RESOLUTION NO. 2009-424

2
3 SPONSOR Mr. Pry

4
5 DATE November 16, 2009

6 COMMITTEE Public Works

7 **A Resolution authorizing the County Executive to enter into an agreement with the Ohio**
8 **Water Development Authority ("OWDA") for a loan in an amount not to exceed**
9 **\$400,000.00 to finance the County's share in the cost of property acquisition and oversizing**
10 **of a pump station and sanitary sewer for the Greensburg/Massillon Road Pump Station**
11 **and Sanitary Sewer Construction Project Q-923 ("Project") located in the City of Green,**
12 **Council District 8, for the Executive's Department of Environmental Services (DOES), and**
13 **declaring an emergency.**

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15 WHEREAS, the County and the City of Green have partnered to improve the sanitary
16 sewer conditions in the area of Greensburg/Massillon Road to serve the residents of the City of
17 Green; and,

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19 WHEREAS, in accordance with Resolution No. 2006-145, the County entered into an
20 agreement with the City of Green to participate in the cost of the Project in an amount not to
21 exceed \$400,000.00; and

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23 WHEREAS, the Project is now complete, and the pump station and sewer constructed
24 under the Project is owned, operated and maintained by the County through DOES; and

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26 WHEREAS, the County desires to obtain a loan from OWDA to finance its share of the
27 costs of the Project on the terms set forth in the Cooperative Agreement (defined below); and

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29 WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose and
30 on those terms; and

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32 WHEREAS, a draft of the Cooperative Agreement for the Project is attached as Exhibit A
33 hereto and is on file in the Office of the Clerk of Council and at the Department of
34 Environmental Services' State Road Office; and

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36 WHEREAS, this Council has determined by reviewing all pertinent information that it is
37 necessary and in the best interest of the County of Summit;

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39 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
40 of Ohio, that:

41
42 SECTION 1

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44 The County will enter into an agreement with the OWDA to obtain a loan to finance the
45 County's share in the cost of the Project.

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2 PAGE TWO

3
4 SECTION 2

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6 The County Executive is hereby authorized to execute the Cooperative Agreement with
7 the OWDA substantially in the form as set forth in the "Cooperative Agreement for Construction,
8 Maintenance and Operation of State Water Project or Wastewater Project," attached hereto as
9 Exhibit A (the "Cooperative Agreement"), for a 20-year loan in an amount not to exceed
10 \$400,000.00 to fund construction of the Project. It is estimated that the total cost of the
11 equipment and installation will not exceed \$400,000.00. The interest rate for the 20-year loan
12 shall not exceed 7% per year. The Cooperative Agreement is approved with changes therein not
13 inconsistent with this Resolution and not substantially adverse to the County which shall be
14 approved by the County Executive; provided that the approval of these changes by the County
15 Executive and the character of such changes as not being substantially adverse to the County
16 shall be evidenced conclusively by the execution of the Cooperative Agreement.

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18 SECTION 3

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20 This Resolution is hereby declared an emergency in the interest of the health, safety, and
21 welfare of the citizens of the County of Summit, and for the further reason that it will allow the
22 County to immediately obtain funds to pay for a needed improvement.

23
24 SECTION 4

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

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30 SECTION 5

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32 It is found and determined that all formal actions of this Council concerning and relating
33 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
34 deliberations of this Council and any of its committees that resulted in such formal action, were
35 in meetings open to the public, in compliance with all legal requirements, including Section
36 121.22 of the Ohio Revised Code.

37
38 INTRODUCED November 2, 2009

39
40 ADOPTED November 16, 2009

41
42 Shirley F. Green
43 CLERK OF COUNCIL

44
45 Nate Korb
46 PRESIDENT OF COUNCIL

47
48 APPROVED November 17, 2009

49
50 Dusall M. P.
51 EXECUTIVE

52
53 November 17, 2009

54 ENACTED EFFECTIVE

55 Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
56 Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith