

1 RESOLUTION NO. 2010-327

2
3 SPONSOR Mr. Pry

4
5 DATE July 19, 2010

COMMITTEE Human Services

6
7 **A Resolution authorizing the County Executive to execute Amendment Number One to a**
8 **contract with the State of Ohio Department of Developmental Disabilities (“Ohio DD”) to**
9 **substitute the County of Summit Department of Developmental Disabilities (“Summit DD”) to**
10 **facility located at 501 West Hopocan Avenue, Barberton Ohio 44203, in Council District 7**
11 **(“Barberton Facility”), for the former Summit DD facility, the Bath Training and Work**
12 **Center, located at 340 North Cleveland-Massillon Road, Akron, Ohio 44333, in Council**
13 **District 1 (“Bath Facility”), as the replacement facility or “Site” subject to the remaining**
14 **debt of approximately \$87,000.00 of an original loan amount of \$540,582.00 under the**
15 **August 1, 1997, contract between Ohio DD and the County to construct and/or renovate the**
16 **Bath Facility, for the Executive and the Board of Developmental Disabilities, and declaring**
17 **an emergency.**

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19 WHEREAS, Ohio DD and the County of Summit entered into a contract that was
20 effective on August 1, 1997 (“Contract”), in order to set forth the terms and conditions for Ohio
21 DD to provide funding for the construction and/or renovation of the Bath Facility, also known as
22 Project No. MR-627 (hereinafter called “Project”); and

23
24 WHEREAS, Ohio DD provided to a \$540,582.00 loan to the County for the acquisition,
25 construction and/or renovation of Project, of which there is remaining debt of approximately
26 \$87,000.00; and

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28 WHEREAS, Section 5123.37 of the Ohio Revised Code authorizes Ohio DD to approve
29 requests to sell a facility and acquire a replacement facility to be used exclusively for approved
30 developmental disability services as approved by Ohio DD; and

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32 WHEREAS, the County requested permission to sell the Project and use the proceeds of
33 the sale to purchase a substitute or replacement facility which shall be used exclusively for an
34 approved mental retardation service as approved by Ohio DD; and

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36 WHEREAS, Ohio DD has authorized the sale of the Project and the acquisition of a
37 substitute or replacement facility which will be used exclusively for developmental disability
38 services as approved by Ohio DD; and

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40 WHEREAS, the County constructed two new facilities, the Barberton Facility and a
41 facility located at 2355 Second Street, Cuyahoga Falls, Ohio 44221, in Council District 2
42 (“Cuyahoga Falls Facility”), in which to provide adult services and/or day services to individuals
43 with developmental disabilities; and,

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45 WHEREAS, the Summit DD ceased providing developmental disabilities services at the
46 Bath Facility on March 1, 2010, at the same time when the Barberton Facility and Cuyahoga
47 Falls Facility began to provide adult services and day services; and

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49 WHEREAS, Ohio DD, Summit DD and the County desire to designate the Barberton
50 Facility as the replacement facility or “Site” for the Bath Facility pursuant to the Contract;

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4 WHEREAS, this Council has determined, by reviewing all pertinent information, that it
5 is necessary and in the best interest of the County of Summit that the Executive be authorized, to
6 execute Amendment Number One to the Contract to substitute the Barberton Facility for the
7 Bath Facility as the replacement facility or "Site" subject to the remaining debt under the
8 Contract;

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

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13 SECTION 1

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15 The County Executive is hereby authorized to execute to execute Amendment Number
16 One to a contract with the State of Ohio Department of Developmental Disabilities ("Ohio DD")
17 to substitute the County of Summit Department of Developmental Disabilities ("Summit DD")
18 facility located at 501 West Hopocan Avenue, Barberton Ohio 44203, in Council District 7
19 ("Barberton Facility"), for the former Summit DD facility, the Bath Training and Work Center,
20 located at 340 North Cleveland-Massillon Road, Akron, Ohio 44333, in Council District 1
21 ("Bath Facility"), as the replacement facility or "Site" subject to the remaining debt of
22 approximately \$87,000.00 of an original loan amount of \$540,582.00 pursuant to the August 1,
23 1997, contract between Ohio DD and the County to construct and/or renovate the Bath Facility.

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25 SECTION 2

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27 This Resolution is hereby declared an emergency in the interest of the health, safety and
28 welfare of the citizens of the County of Summit and for the further purpose of immediately
29 authorizing the Executive to execute a necessary amendment to the August 1, 1997, contract with
30 Ohio DD to substitute the Barberton Facility for the Bath Facility as the replacement facility or
31 "Site" subject to the remaining debt under the contract.

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33 SECTION 3

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

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39 SECTION 4

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41 It is found and determined that all formal actions of this Council concerning and relating
42 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
43 deliberations of this Council and of any of its committees that resulted in such formal action,
44 were in meetings open to the public, in compliance with all legal requirements, including Section
45 121.22 of the Ohio Revised Code.

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5 INTRODUCED June 28, 2010

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7 ADOPTED July 19, 2010

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12 CLERK OF COUNCIL



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14 PRESIDENT OF COUNCIL

15 APPROVED July 19, 2010

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19 EXECUTIVE

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21 ENACTED EFFECTIVE July 19, 2010

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Rodgers, Schmidt, Shapiro, Smith ABSENT: Prentice