

1 RESOLUTION NO. 2015-018

2
3 SPONSOR Mr. Pry

4
5 DATE January 26, 2015 COMMITTEE Public Safety

6
7 **A Resolution authorizing the County Executive to execute a Fifth Amendment to the**
8 **Agreement of Sublease with the Ohio Department of Rehabilitation and Correction,**
9 **pertaining to the finance of capital improvements to the Summit County Community Based**
10 **Correctional Facility, for the Executive's Department of Law, Insurance and Risk**
11 **Management - Division of Public Safety, and declaring an emergency.**

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13 WHEREAS, the County entered into an Agreement of Sublease with the Ohio
14 Department of Rehabilitation and Correction ("ODRC"), made as of 8/1/95, pursuant to
15 Resolution No. 95-470, amended and supplemented by the First Amendment to Agreement to
16 Sublease, made as of 12/1/96, pursuant to Resolution No. 96-670, the Second Amendment to
17 Agreement to Sublease, made as of 4/1/00, pursuant to Resolution No. 2000-210, the Third
18 Amendment to Agreement of Sublease, made as of 12/1/00, pursuant to Resolution No. 2000-
19 784 and the Fourth Amendment to Agreement of Sublease, made as of 4/1/09, pursuant to
20 Resolution No. 2009-089 (collectively "Sublease") pertaining to the finance of capital
21 improvements to the Summit County Community Based Correctional Facility ("CBCF") located
22 at 246 East Crosier Street, Akron, Ohio 44311, in Council District 5; and

23
24 WHEREAS, the ODRC has awarded the County of Summit \$450,000 in capital
25 improvement funds to make repairs to the foundation of the CBCF, which requires amendment
26 of the Sublease (Project No. 15-CBCF-002); and

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28 WHEREAS, County and ODRC desire to amend the Sublease with the consent of the
29 Ohio Building Authority ("Authority") in accordance with the terms of a Fifth Amendment to the
30 Sublease; and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
33 that it is necessary and in the best interest of the County of Summit to authorize the County
34 Executive to execute the Fifth Amendment of the aforementioned Sublease;

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

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39 SECTION 1

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41 The County Executive is hereby authorized to execute the Fifth Amendment to the
42 Agreement of Sublease with the Ohio Department of Rehabilitation and Correction.

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44 SECTION 2

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46 The proper officers of the County and this Council, as appropriate, are each authorized
47 and directed to deliver any additional certificates, documents or instruments and to take such
48 further actions which are necessary or appropriate to effect the intent and purposes of this
49 Resolution and the Fifth Amendment to the Sublease.
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1 RESOLUTION NO. 2015-018

2 PAGE TWO

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4 SECTION 3

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit and for the further reason to immediately
8 authorize the Executive to execute the Fifth Amendment to facilitate the expenditure of funds in
9 order to make foundational repairs to the Summit County Community Based Correctional
10 Facility.

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12 SECTION 4

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

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18 SECTION 5

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20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including Section
24 121.22 of the Ohio Revised Code.

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27 INTRODUCED January 5, 2015

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29 ADOPTED January 26, 2015

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33 CLERK OF COUNCIL

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34 APPROVED January 27, 2015

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39 EXECUTIVE

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41 ENACTED EFFECTIVE January 27, 2015

Voice Vote: 11-0: YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras,
Kurt, Lee, Prentice, Rodgers, Schmidt, Shapiro