

1 RESOLUTION NO. 2015-472

2
3 SPONSOR Mr. Pry

4
5 DATE NOVEMBER 9, 2015

COMMITTEE: Committee of the Whole

6
7 **A Resolution authorizing the Executive to execute a Communications System Agreement,**
8 **Equipment Lease-Purchase Agreement, System Upgrade Agreement and any other**
9 **necessary documents with Motorola Solutions, Inc. to purchase, lease, install, upgrade and**
10 **maintain Motorola ASTRO 25 radio communication equipment, components and radios**
11 **that are necessary to upgrade the County and City of Akron's 800 MHz Regional Radio**
12 **System into an APCO P25-compliant radio system, for the Executive's Department of Law,**
13 **Insurance and Risk Management - Division of Public Safety/Emergency Management**
14 **Agency, and declaring an emergency.**

15 WHEREAS, the County and the City of Akron (the "City") are currently co-owners of an
16 800 MHz Regional Radio System ("Original System") pursuant to an Interlocal Agreement
17 effective on or about June 7, 2006, as amended by the First Amendment to Interlocal Agreement
18 and the Renewal of Interlocal Agreement; and

19
20 WHEREAS, the City and County have determined that the Original System will become
21 outmoded by January 1, 2018 and is in need of replacement with a new system by that time; and

22
23 WHEREAS, the Executive has negotiated a certain Communications System Agreement,
24 Equipment Lease-Purchase Agreement and System Upgrade Agreement with Motorola
25 Solutions, Inc. ("Motorola"), each of which are attached hereto as Exhibits A, B and C,
26 respectively, pursuant to which the County will purchase and lease, and Motorola will install,
27 upgrade and maintain new Motorola ASTRO 25 radio communication equipment, components
28 and radios that are necessary to upgrade the Original System to an APCO P25-compliant radio
29 system ("New System"); and

30
31 WHEREAS, the equipment, components, radios and labor provided for in the
32 Communications System Agreement, Equipment Lease-Purchase Agreement and System
33 Upgrade Agreement are being offered to the County at less than State-Term pricing, and those
34 agreements are therefore exempt from competitive bidding pursuant to Section 177.07 of the
35 Codified Ordinances of the County of Summit; and

36
37 WHEREAS, concurrent with this Resolution, this Council has adopted Resolution 2015-
38 471, which authorizes the Executive to execute a Cooperative Agreement, a Lease-Purchase
39 Agreement and related documents with the City in order to provide for the City to contribute to
40 the cost of the New System, lease a portion of the New System from the County and become co-
41 owner of the New System upon the termination of the Lease-Purchase Agreement; and

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43 WHEREAS, Resolution 2015-471 further authorizes the County to enter into a new
44 Interlocal Agreement with the City to provide for the joint operation of the New System; and

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2 PAGE TWO

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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
5 that it is necessary and in the best interest of the County to authorize the Executive to execute the
6 Communications System Agreement, Equipment Lease-Purchase Agreement and System
7 Upgrade Agreement with Motorola for the purchase, lease, install, upgrade and maintenance of
8 Motorola ASTRO 25 radio communication equipment, components and radios that are necessary
9 to upgrade the Original System into the New System.

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

13 SECTION 1

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15 This Council hereby authorizes the Executive to execute the Communications System
16 Agreement, Equipment Lease-Purchase Agreement and System Upgrade Agreement with
17 Motorola, each of which are attached hereto as Exhibits A, B and C, respectively, for the
18 purchase, lease, install, upgrade and maintenance of Motorola ASTRO 25 radio communication
19 equipment, components and radios that are necessary to upgrade the Original System into the
20 New System. Said agreements shall be in substantially the form attached hereto, with such
21 revisions and modifications as shall be in furtherance of the provisions of the project and not
22 substantially adverse to the County, all of which shall be conclusively evidenced by execution
23 thereof by the Executive.

24 SECTION 2

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26 This Council further authorizes the Executive, and any other officer of the County,
27 individually, or collectively, to execute any additional documents and take such further actions on
28 behalf of the County as shall be necessary to complete the transactions described in the
29 Communications System Agreement, Equipment Lease-Purchase Agreement and System
30 Upgrade Agreement or as shall be necessary in connection with the purchase, lease, install, upgrade
31 and maintenance of the New System.

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33 SECTION 3

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35 This Council hereby makes the following declaration of official intent under United States
36 Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code
37 of 1986 (the "Internal Revenue Code"):

38
39 This Council declares, on behalf of the County, that it reasonably expects the
40 expenditures related to the acquisition and financing of the New System pursuant to the
41 Communications System Agreement, Equipment Lease-Purchase Agreement and System
42 Upgrade Agreement, or such other agreements as shall be necessary in connection with the
43 acquisition and financing of the New System, will be reimbursed with the proceeds of bonds (as
44 defined in Section 150 of the Internal Revenue Code). The maximum principal amount of bonds
45 expected to be issued for the purposes described in this Section 3 is not to exceed \$20,000,000.
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2 PAGE THREE

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4 SECTION 4

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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 purpose of immediately
8 authorizing the purchase, lease, install, upgrade and maintenance of the New System so that the
9 same can acquired in the timeframe necessary to maximize negotiated financial incentives and to
10 install the same prior to the Original System becoming outmoded.

11
12 SECTION 5

13
14 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
15 immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be
16 in force at the earliest time provided by law.

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18 SECTION 6

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

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26
27 INTRODUCED October 26, 2015

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30 ADOPTED NOVEMBER 9, 2015

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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EXECUTIVE

NOVEMBER 10, 2015
ENACTED EFFECTIVE

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