

1 RESOLUTION NO. 2015-498

Late Filing

2  
3 SPONSOR Mr. Pry

4  
5 DATE NOVEMBER 23, 2015

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a Sanitary Sewer Transfer**  
8 **Agreement and other necessary documents with the City of Hudson to acquire and**  
9 **consolidate sanitary sewer facilities and service in the City of Hudson, and amending**  
10 **Board of Commissioners Resolution No. 743-70, for the Executive, and declaring an**  
11 **emergency.**

12  
13 WHEREAS, in Resolution No. 743-70, the County of Summit Board of Commissioners  
14 created the Summit County Metropolitan Sewer District (“District”); and

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16 WHEREAS, the County owns and operates certain sanitary sewer facilities in the former  
17 Township of Hudson, which was included in the District at its creation; and

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19 WHEREAS, the City of Hudson (“Hudson”) owns and operates certain sanitary sewer  
20 facilities in the territory comprising the corporate boundaries of the former Village of Hudson,  
21 which was not included in said District; and

22  
23 WHEREAS, in an effort to consolidate services in the County, reduce overall costs of  
24 services and increase efficiency, Hudson wishes to transfer, and the County wishes to receive,  
25 ownership and operation of all Hudson’s sanitary sewer facilities within its corporate boundaries,  
26 particularly its facilities located in the former area of the Village of Hudson through a Sanitary  
27 Sewer Transfer Agreement (“Transfer Agreement”); and

28  
29 WHEREAS, under the Transfer Agreement, the County would pay \$1.00 for Hudson’s  
30 sanitary sewer facilities, take on the responsibility to build the necessary sewer improvements as  
31 Hudson was ordered to do in [*State of Ohio ex rel. Lee Fisher v. City of Hudson Village*] County  
32 of Summit Court of Common Pleas Case No. CV 92-10-3905 (the “Order”), and pay the  
33 remaining debt obligations on Hudson’s sanitary sewer facilities not to exceed \$2,352,241.50  
34 over a 20 year period, payable in yearly installments to Hudson as stated in Exhibit A to this  
35 Resolution; and

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37 WHEREAS, Hudson would retain all responsibility for any violations of the Order and  
38 any other environmental violations prior to the transfer of its sewer facilities to the County, with  
39 the consent of the Ohio EPA under a revised Order; and

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41 WHEREAS, pursuant to the Transfer Agreement, the County will acquire the customers  
42 currently served by Hudson and will replace Hudson as the sole sanitary sewer provider in  
43 Hudson, and charge those acquired customers user fees at rates equal to their current Hudson  
44 sewer user fees for a period of 3 years; and

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46 WHEREAS, the County Executive recommends to this Council that authorizing him to  
47 execute the Transfer Agreement and other necessary documents is beneficial financially to the  
48 County and promotes a regionalized solution to resolve long-standing environmental problems in  
49 Hudson; and

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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 County Executive to  
6 execute the Transfer Agreement and such other documents set forth in and/or necessary to fulfill  
7 the terms of the Transfer Agreement.

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

11  
12 SECTION 1

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14 The County Executive is hereby authorized to execute a Sanitary Sewer Transfer  
15 Agreement (“Transfer Agreement”) with the City of Hudson (“Hudson”) to acquire and  
16 consolidate sanitary sewer facilities and service in the City of Hudson, including: (1) the transfer  
17 of all of Hudson’s sanitary sewer infrastructure in Hudson to the County for \$1.00, along with  
18 the acquisition of all of Hudson’s sanitary sewer customers; (2) addition of the entirety of  
19 Hudson into the Summit County Metropolitan Sewer District; (3) maintaining the user fees for  
20 former customers of Hudson at the current Hudson sanitary sewer user fees for a period of 3  
21 years; (4) to pay the remaining debt on Hudson’s sanitary sewer facilities in an amount not to  
22 exceed \$2,352,241.50 over a 20 year period, payable in yearly installments to Hudson according  
23 to the schedule attached as Exhibit A to this Resolution; (5) complete projects necessary to  
24 comply with remediation of the sanitary sewer facilities in Hudson in compliance with Orders  
25 issued in [*State of Ohio ex rel. Lee Fisher v. City of Hudson Village*] County of Summit Court of  
26 Common Pleas Case No. CV 92-10-3905; and to further execute any other documents and/or  
27 take any actions necessary to fulfill the terms of the Transfer Agreement, upon terms and  
28 conditions consistent with this Resolution, including becoming party to County of Summit Court  
29 of Common Pleas Case No. CV 92-10-3905, and subsequent Orders in that case, to protect the  
30 County’s interests therein.

31  
32 SECTION 2

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34 The entirety of the City of Hudson is hereby added to and made part of the Summit  
35 County Metropolitan Sewer District as of the effective date of the Transfer Agreement, and  
36 County of Summit Board of Commissioners Resolution No. 743-70 is hereby amended to reflect  
37 said addition.

38  
39 SECTION 3

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41 This Resolution is hereby declared an emergency in the interest of the health, safety and  
42 welfare of the citizens of the County of Summit, and for the further reason of immediately  
43 allowing the parties to complete and execute the Transfer Agreement to consolidate services, and  
44 to remediate long-standing environmental problems in the City of Hudson.

45  
46 SECTION 4

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

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2 PAGE THREE

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4 SECTION 5

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6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
8 deliberations of this Council and of any of its committees that resulted in such formal action,  
9 were in meetings open to the public, in compliance with all legal requirements, including Section  
10 121.22 of the Ohio Revised Code.

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13 INTRODUCED November 9, 2015

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15 ADOPTED NOVEMBER 23, 2015

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CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

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21 APPROVED NOVEMBER 24, 2015

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24   
EXECUTIVE

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26 ENACTED EFFECTIVE NOVEMBER 24, 2015

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