

1 RESOLUTION NO. 2015-500

Late Filing

2
3 SPONSOR Mr. Pry

4
5 DATE NOVEMBER 23, 2015

COMMITTEE Planning

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7 **An Amended Resolution requesting the issuance by the Akron, Bath and Copley Joint**
8 **Township Hospital District, Ohio, of Hospital Facilities Revenue Bonds, pursuant to**
9 **Chapter 140 of the Ohio Revised Code, a portion of the proceeds of which will be used to pay**
10 **costs of certain hospital facilities located in the County of Summit, Ohio, authorizing the**
11 **execution and delivery of an Amended Public Hospital Agencies Agreement and authorizing**
12 **and approving related matters, for the Executive's Department of Law, Insurance and Risk**
13 **management, and declaring an emergency.**

14 WHEREAS, the County of Summit, Ohio (the "County") is a "public hospital agency," as
15 defined in Chapter 140 of the Ohio Revised Code (the "Act"), and is authorized by the Act to enter
16 into agreements with other public hospital agencies (a) to acquire, construct, improve and equip
17 "hospital facilities," as defined in the Act, and (b) to provide for the issuance of revenue bonds to
18 pay "costs of hospital facilities," all as defined and provided in the Act;

19 WHEREAS, the Akron, Bath and Copley Joint Township Hospital District, Ohio (the
20 "Issuer") and the County entered into a Public Hospital Agencies Agreement dated as of April 1,
21 2002 (the "Original Agreement"), authorized by Ordinance No. 2002-245 and passed April 29,
22 2002 and approved April 30, 2002, which contemplates, among other things ~~(i)~~, the issuance of
23 bonds by the Issuer to finance hospital facilities of Summa Health System (which includes hospital
24 facilities located within the County) and its affiliates (collectively, the "Summa Affiliates"); and
25 ~~(ii) the amendment of the Original Agreement to include additional political subdivisions when~~
26 ~~necessary; and~~

27 WHEREAS, Summa Health System has requested that this Council and the County
28 Executive approve the issuance by the Issuer of Hospital Facilities Revenue Bonds in one or more
29 series in the maximum aggregate principal amount of \$45,000,000 (the "Hospital Facilities
30 Revenue Bonds") to pay costs of hospital facilities situated within the jurisdiction of the Issuer,
31 hospital facilities situated within the jurisdiction of the County and hospital facilities situated
32 within the jurisdiction of the County of Medina, Ohio ("Medina County");

33 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, Ohio,
34 that:

35 SECTION 1

36 Findings and Determinations. This Council finds and determines, consistent with, and in
37 furtherance of the Agreement ~~(as defined below)~~, that (a) the proposed issuance of Hospital
38 Facilities Revenue Bonds by the Issuer will promote the public purposes stated in Section 140.02
39 of the Act and (b) ~~Medina County constitutes a public hospital agency and each of the Summa~~
40 ~~Affiliates constitutes a nonprofit hospital agency within the meaning of the Act and the hospital~~
41 ~~facilities to be financed or refinanced by the Hospital Facilities Revenue Bonds and to be utilized~~
42 ~~in connection with the provision of health care services by the Summa Affiliates within this~~
43 ~~County constitute hospital facilities, the costs of which are financeable under the Act.~~

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4 SECTION 2

5 Request for Issuance of Hospital Facilities Revenue Bonds. This Council requests that the
6 Issuer issue the Hospital Facilities Revenue Bonds pursuant to the Act and allocate a portion of the
7 proceeds to finance the costs of hospital facilities within this County, consistent with the
8 provisions of this Resolution. A public hearing with respect to the proposed issuance of the Bonds
9 shall be conducted by the Issuer or its designee on behalf of the Issuer and the County. Notice of
10 the public hearing shall be published in the *Akron Beacon Journal*, a newspaper of general
11 circulation in Summit County. Following such hearing, the County Executive is authorized to
12 approve the issuance of the Hospital Facilities Revenue Bonds as the “applicable elected
13 representative” of the County. Such approval shall also constitute the approval of this Council.

14 SECTION 3

15 Public Hospitals Agencies Agreement. ~~Upon approval by the Issuer in its resolution~~
16 ~~providing for the issuance of the Hospital Facilities Revenue Bonds, the County Executive is~~
17 ~~authorized to execute and deliver, on behalf of the County, a public hospital agencies agreement~~
18 ~~amending the Original Agreement solely for the purpose of including Medina County (the~~
19 ~~“Agreement”).~~ This Council finds, determines and confirms that the Hospital Facilities Revenue
20 Bonds are “Obligations” contemplated by the Agreement.

21 SECTION 4

22 Authorization and Execution of Documents. The County Executive, the Clerk of this
23 Council and any other appropriate officer of the County, acting alone or acting together with any
24 of the others, is authorized and directed to execute, deliver and, if applicable, file for and in the
25 name and on behalf of the County, any certifications, financing statements, assignments and other
26 instruments and documents and take such other actions which are necessary or appropriate to
27 consummate the transactions contemplated in this Resolution and the Agreement.

28 SECTION 5

29 No Obligation. The Hospital Facilities Revenue Bonds do not constitute general
30 obligations, debt or bonded indebtedness of the Issuer or this County and neither the faith or credit
31 or taxing power of the Issuer or this County or any other political subdivision shall be pledged to
32 the payment of principal of or interest on the Hospital Facilities Revenue Bonds and the holders or
33 owners thereof shall not be given the right and have no right to have excises or taxes levied by the
34 Issuer or this County for the payment of principal of and interest thereon. Further, no part of the
35 Hospital Facilities Revenue Bonds shall be issued, or shall be deemed issued, for or on behalf of
36 the County.

37 SECTION 6

38 Emergency Provision. This Resolution is declared to be an emergency measure necessary for
39 the immediate preservation of the public peace, health and safety of the County and for the further
40 reason that this Resolution is required to be immediately effective in order to enable the County to
41 approve and facilitate the issuance of the Hospital Facilities Revenue Bonds, and thereby to permit
42 the Summa Affiliates to acquire, construct, improve, equip and refinance hospital facilities and to

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3 SECTION 6 (Cont.)

4 enhance the availability, efficiency and economy of hospital facilities and services rendered thereby
5 available to County residents.

6 SECTION 7

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

10 SECTION 8

11 Compliance with Open Meeting Requirements. This Council finds and determines that all
12 formal actions of this Council concerning and relating to the adoption of this Resolution were
13 taken in an open meeting of this Council and that all deliberations of this Council and of any
14 committees that resulted in those formal actions were in meetings open to the public in compliance
15 with the law.

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18 INTRODUCED November 9, 2015

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20 ADOPTED NOVEMBER 23, 2015

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24 CLERK OF COUNCIL

Steve Shapiro
PRESIDENT OF COUNCIL

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26 APPROVED NOVEMBER 24, 2015

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30 COUNTY EXECUTIVE

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32 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