

1 RESOLUTION NO. 2012-282

First Reading Passage Requested

J. Dodson

2
3 SPONSORED: Mr. Pry

4
5 DATE: June 25, 2012

COMMITTEE: Planning

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7 **A Resolution authorizing an agreement with the City of North Canton, Ohio to assist St.**
8 **Luke Lutheran Community-Portage Lakes and its affiliates in financing the costs of**
9 **hospital facilities, for the Executive, and declaring an emergency.**

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11 WHEREAS, St. Luke Lutheran Community-Portage Lakes ("St. Luke Portage Lakes")
12 and its Affiliates, St. Luke Lutheran Home for the Aging ("St. Luke North Canton") and The
13 Waterford at St. Luke ("Waterford" and, together with St. Luke Portage Lakes and St. Luke
14 North Canton, the "St. Luke Affiliates") are planning to use health care facilities revenue bonds
15 issued under Chapter 140 of the Ohio Revised Code (the "Act") to refund prior tax-exempt
16 bonds issued under the Act, which prior bonds were issued for the purpose of paying the costs of
17 "hospital facilities" under the Act;

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19 WHEREAS, the St. Luke Affiliates have requested that the City of North Canton, Ohio
20 ("North Canton") issue up to \$18,500,000 of Healthcare Facilities Revenue Refunding Bonds,
21 Series 2011 (St. Luke Lutheran Community Project) (the "Bonds") to provide funds for the
22 refunding; and

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24 WHEREAS, St. Luke Portage Lakes has requested the County of Summit to assist it in
25 financing "costs of hospital facilities" under the Act, consisting of its nursing home, located at
26 615 Latham Lane, Akron, Ohio in Council District 7; and

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28 WHEREAS, in order to permit one issuer for the Bonds, St. Luke Portage Lakes is
29 requesting Summit County to authorize North Canton to issue the Bonds under the Act for the
30 benefit of St. Luke Portage Lakes; and

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32 WHEREAS, the County will not be liable for any costs associated with the Bonds, and
33 will be indemnified by St. Luke Portage Lakes for any claims that might arise, because the
34 Bonds will actually be issued by North Canton on behalf of both political subdivisions.

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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 1. Findings and Determinations: This Council finds and determines the following
42 matters:

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44 (a) The County is a "public hospital agency" under Chapter 140 of the Ohio
45 Revised Code, and is authorized under Section 140.03 of the Ohio Revised
46 Code, to enter into agreements with other public hospital agencies to
47 provide for the acquisition, construction, reconstruction, rehabilitation,
48 remodeling, renovating, enlarging, equipping, and furnishing of hospital
49 facilities.

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4 (b) St. Luke Portage Lakes has requested the County to assist it in financing
5 "costs of hospital facilities", consisting of the refunding of tax-exempt
6 bonds used to finance and refinance costs associated with its nursing home
7 located in the County, by entering into an agreement with the City of
8 North Canton, Ohio (the "City"), under which the County will authorize
9 the City to issue revenue bonds to assist in the financing.

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11 (c) Based on the representation of the St. Luke Affiliates, this Council
12 determines that entering into the agreement will further the public purpose
13 of Chapter 140 of the Ohio Revised Code, by better providing for the
14 health and welfare of the people of Ohio, the City, and the County by
15 enhancing the availability, efficiency, and economy of hospital facilities
16 and the services rendered by those hospital facilities, and facilitating the
17 financing of hospital facilities to be available to or for the service of the
18 general public without discrimination by reason of race, creed, color, or
19 national origin. The contribution to be made by the County under that
20 agreement will be fair consideration for the value and benefit to be derived
21 by it under the agreement.

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23 2. Authorization of Agreement. This Council authorizes the agreement with the
24 City, substantially in the form of the Participating Public Hospital Agencies Agreement, attached
25 hereto as Exhibit A. This Council authorizes and directs the County Executive to sign and
26 deliver the agreement in that form, with such changes as he may approve that are not
27 substantially adverse to the County and are not inconsistent with this Resolution. His signing
28 and delivery of the agreement will constitute his approval of any such changes and his
29 determination that they are not substantially adverse to the County and are not inconsistent with
30 this Resolution.

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32 3. Further Authorization. This Council authorizes and directs the County Executive
33 and any other official or employee of the County to take any other necessary and appropriate
34 actions to give effect to the assistance authorized under the agreement and to perform the
35 County's obligations under the agreement.

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37 SECTION 2

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39 This Resolution is hereby determined to be an emergency in the interest of the health, safety
40 and welfare of the citizens of the County of Summit and for the further reason that it must be
41 immediately effective in order that the benefits of the financing may be available to the residents of
42 the County at the earliest possible time.

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44 SECTION 3

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

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2 PAGE THREE

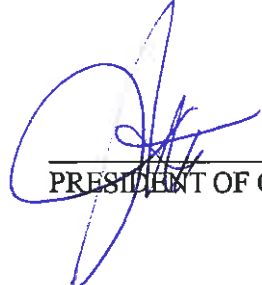
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4 SECTION 4

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

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12 INTRODUCED June 25, 2012

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15 ADOPTED June 25, 2012

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

21 APPROVED June 26, 2012

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EXECUTIVE

ENACTED EFFECTIVE June 26, 2012

36 Voice Vote: 11-0. YES: Comunale, Crawford, Feeman, Kostandaras
37 Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro