

1 RESOLUTION NO. 2019-055

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE March 4, 2019

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a Third Supplemental**  
8 **Agreement with the Stark County Board of Commissioners for Stark County to contribute**  
9 **to the finalized construction costs of the Upper Tuscarawas Waste Water Treatment Plant**  
10 **#36 RBC Project Q-959, for the Executive's Department of Sanitary Sewer Services, and**  
11 **declaring an emergency.**

12  
13 WHEREAS, on September 3, 1993, the County of Summit (“Summit County”) and the  
14 Stark County Board of Commissioners (“Stark County”) entered into a Sanitary Sewer Service  
15 Agreement which related to the Upper Tuscarawas Wastewater Treatment Plant (“Original  
16 Agreement”); and

17  
18 WHEREAS, in Section 1.05 of the Original Agreement, Stark agreed to contribute  
19 financially to certain capital costs to improve the Upper Tuscarawas Waste Water Treatment  
20 Plant in an amount equal to its proportionate share of its current capacity; and

21  
22 WHEREAS, on October 8, 2004, Stark County and Summit County entered into a First  
23 Amendment to the Original Agreement to provide for capital contributions to certain  
24 improvements to the Upper Tuscarawas Waste Water Treatment Plant ( Projects Q-908 Phase 1  
25 and 2); and

26  
27 WHEREAS, on January 31, 2017, Stark County and Summit County entered into a  
28 Second Supplemental Agreement which amended the Original Agreement a second time to  
29 provide for capital contributions to the Upper Tuscarawas Waste Water Treatment Plant  
30 Improvement Project Q-949; and

31  
32 WHEREAS, the parties now desire to amend the Original Agreement a third time through  
33 a Third Supplemental Agreement in order to provide for capital contributions by Stark County to  
34 pay for necessary improvements to the facility known as the Upper Tuscarawas Wastewater  
35 Treatment Plant #36 RBC Project No. Q-959 (“Project Q-959”); and

36  
37 WHEREAS, the construction costs for Project Q-959 are \$19,047,628.00 and Stark  
38 County will pay twenty percent (20%) of the finalized construction costs based upon its  
39 commitment to contribute to the improvements to the Upper Tuscarawas Wastewater Treatment  
40 Plant; and

41  
42 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
43 that it is necessary and in the best interest of the County to authorize the County Executive to  
44 execute the Third Supplemental Agreement to the Original Agreement with the Stark County  
45 Board of Commissioners for Stark County to contribute to the finalized construction costs of the  
46 Upper Tuscarawas Waste Water Treatment Plant Improvement Project Q-959;

47  
48 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
49 of Ohio, that:  
50

1 RESOLUTION NO. 2019-055

2 PAGE TWO

3  
4 SECTION 1

5  
6 The County Executive is hereby authorized to execute the Third Supplemental  
7 Agreement to the Summit/Stark County Sanitary Sewer Service Agreement regarding the Upper  
8 Tuscarawas Waste Water Treatment Plant ("Third Supplemental Agreement") with the Stark  
9 County Board of Commissioners ("Stark County"), in which Stark County shall pay to the  
10 County of Summit twenty percent (20%) of the finalized construction costs for the Upper  
11 Tuscarawas Waste Water Treatment Plant Improvement #36 RBC Project Q-959. The Executive  
12 is hereby authorized to execute said Third Supplemental Agreement in substantially the form  
13 attached hereto as Exhibit A and incorporated herein as if fully rewritten.

14  
15 SECTION 2

16  
17 This Resolution is declared an emergency in the interest of the health, safety and welfare  
18 of the residents of the County of Summit, and to immediately authorize the Executive to execute  
19 the Third Supplemental Agreement to receive funds for Stark County's share of the finalized  
20 construction costs for the Upper Tuscarawas Waste Water Treatment Plant #36 RBC Project Q-  
21 959.

22  
23 SECTION 3

24  
25 Provided this Resolution receives the affirmative vote of eight members, it shall take  
26 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
27 effect and be in force at the earliest time provided by law.

28  
29 SECTION 4

30  
31 It is found and determined that all formal actions of the Council concerning and relating  
32 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all  
33 deliberations of this Council and of any of its committees that resulted in such formal action,  
34 were in meetings open to the public, in compliance with all legal requirements, including Section  
35 121.22 of the Ohio Revised Code.

36  
37 INTRODUCED February 11, 2019

38  
39 ADOPTED March 4, 2019

40  
41   
42 \_\_\_\_\_  
43 CLERK OF COUNCIL

44  
45   
46 \_\_\_\_\_  
47 PRESIDENT OF COUNCIL

48  
49 APPROVED March 5, 2019

50  
51   
EXECUTIVE

ENACTED EFFECTIVE March 5, 2019

Voice Vote: YES - 11-0 Dickinson, Donofrio, Feeman, Hamilton,  
Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite