

1 RESOLUTION NO. 2024-199

2

3 SPONSOR Executive Shapiro

4

5 DATE June 17, 2024

COMMITTEE Public Safety

6

7 **A Resolution authorizing the Executive to execute a Term Sheet with the Development**
8 **Finance Authority of Summit County, the Summit-Fairlawn Broadband Regional Council**
9 **of Governments, and the City of Fairlawn, and further authorizing the Executive to**
10 **execute all other necessary agreements and documents as contemplated in the Term Sheet,**
11 **upon terms substantially similar to and not materially adverse to the County, for the**
12 **Executive, and declaring an emergency.**

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14 WHEREAS, the safety and security of the residents of the County of Summit is of
15 paramount importance to elected officials throughout the County; and

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17 WHEREAS, the County of Summit is committed to the expansion of internet access for
18 residents and the reduction of roadblocks to digital access; and

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20 WHEREAS, this Council previously passed Resolution No. 2022-192, authorizing the
21 Executive to execute a Cooperative Agreement with the City of Fairlawn for the formation of a
22 Regional Council of Governments to collaborate on the design, construction, and financing of a
23 data center and high-speed fiber optic ring project; and

24

25 WHEREAS, this Council subsequently passed Resolution No. 2022-194 and Resolution
26 No. 2022-326, authorizing the Executive to execute professional service contracts with The
27 Thrasher Group for engineering services, and to subcontract with DLZ Corporation for the
28 design and engineering of a fiber optic network totaling \$2,499,999.00; and

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30 WHEREAS, this Council subsequently passed Resolution Nos. 2022-361 and 2024-185
31 authorizing the Executive to execute professional service contracts with The MCM Consulting
32 Group Inc. for assessment, strategic planning and consulting services totaling \$949,107.73; and

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34 WHEREAS, this Council subsequently passed Resolution Nos. 2022-212 authorizing a a
35 purchase contract and any other necessary related documents with Graybar Electric Company,
36 Inc. for electrical equipment and telecommunications components, at State Term pricing, in
37 amount not to exceed \$4,650,582.74; and

38

39 WHEREAS, this Council subsequently passed Resolution Nos. 2022-213 authorizing a
40 purchase contract and any other necessary related documents with Cadenza, LLC. for electrical
41 equipment and telecommunications components, under the State of Ohio, OARnet pricing, a
42 division of the Ohio Technology Consortium (OH-TECH), in amount not to exceed
43 \$4,197,416.70; and

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45 WHEREAS, this Council has previously passed numerous Resolutions authorizing the
46 Executive to execute professional service contracts with vendors to construct various runs of
47 conduit and fiber optic cable around the County, including running fiber to the Summit
48 Emergency Communications Center, various courthouses including the Court of Common Pleas-
49 Juvenile Division, the Summit County Jail, the future Board of Elections building, various
50 policing agencies, and various social services providers; and

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4 WHEREAS, the County, the Development Finance Authority of Summit County, the
5 Summit-Fairlawn Broadband Regional Council of Governments, and the City of Fairlawn (the
6 “Parties”) intend to cooperate for the design, acquisition, installation, construction and
7 development of an approximately 130-mile fiber-optic ring throughout Summit County, Ohio, as
8 well as a modular data center and any related transactions between the parties (the “Project”);
9 and

10

11 WHEREAS, as contemplated in the Term Sheet, attached hereto as Exhibit A, and
12 incorporated herein as if fully restated, the County will provide funding, in an initial amount of
13 \$35,500,000.00 for the construction of the fiber-optic ring as follows:

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15	Construction Estimate	\$29,700,000
16	CM and Inspections Services	\$ 2,000,000
17	DFA Fees and Costs	\$ 536,000
18	Project Contingency	\$ 3,264,000
19	Total	\$35,500,000; and

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21

22 WHEREAS, the Term Sheet further provides that the County will grant to the Authority
23 the Fiber Ring Equipment and Materials procured under Resolution Nos. 2022-212 and 2022-
24 213, incrementally as the same is needed by the Authority to undertake and complete the Fiber
25 Ring; and

26

27 WHEREAS, the Term Sheet further provides that the County of Summit and City of
28 Fairlawn intend to modify and amend the prior cooperative agreement dated August 23, 2022,
29 and the ancillary leases, operation management and maintenance agreements, and other
30 agreements previously entered into by and between the COG, County and City concerning the
31 construction and operation of a fiber ring and data center in Summit County; and

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33 WHEREAS, the Term Sheet further provides that the Parties intend to negotiate with one
34 or more entities that own and/or are willing to construct last-mile fiber assets within Summit
35 County for the purpose of undertaking a public-private partnership to provide broadband internet
36 to the residents and businesses of Summit County by utilizing the Fiber Ring as a middle-mile
37 network and the Data Center for ancillary purposes; and

38

39 WHEREAS, the Executive wishes to enter into the aforementioned Term Sheet,
40 incorporated herein and attached hereto as Exhibit A and incorporated herein as if fully restated,
41 and execute all other necessary agreements and documents to complete the Project as
42 contemplated in the Term Sheet; and

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
45 that it is necessary and in the best interest of the County of Summit, to authorize the Executive’s
46 execution of the Term Sheet and to further authorize the execution of all other necessary
47 agreements and documents to complete the project as contemplated in the Term Sheet, upon
48 terms substantially similar to and not materially adverse to the County; and

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

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1 RESOLUTION NO. 2024-199

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4 SECTION 1

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6 The Executive is hereby authorized to execute a Term Sheet related to the Summit
7 County Public Safety Fiber and Communications Network project with the Development
8 Finance Authority of Summit County, the Summit-Fairlawn Broadband Regional Council of
9 Governments, and the City of Fairlawn, in substantially the same form as attached hereto as
10 Exhibit A and incorporated herein as if fully restated with such revisions and modifications as
11 shall be in furtherance of the provisions of the Term Sheet and not substantially adverse to the
12 County, all of which shall be conclusively evidenced by execution thereof by the Executive.

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14 SECTION 2

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16 This Council further authorizes the Executive to execute all other necessary agreements
17 and documents to complete the project as contemplated in the Term Sheet, upon terms
18 substantially similar to and not materially adverse to the County, all of which shall be
19 conclusively evidenced by the execution thereof by the Executive.

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21 SECTION 3

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23 This Resolution is hereby declared an emergency in the interest of the health, safety and
24 welfare of the residents of the County of Summit, and for the further reason to immediately
25 authorize the County to finance the aforementioned project for the safety and security of the
26 residents of the County of Summit.

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28 SECTION 3

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

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34 SECTION 4

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36 It is found and determined that all formal actions of this Council concerning and relating
37 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
38 deliberations of this Council and of any of its committees that resulted in such formal action,
39 were in meetings open to the public, in compliance with all legal requirements, including Section
40 121.22 of the Ohio Revised Code.

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43 INTRODUCED June 17, 2024

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45 ADOPTED June 24, 2024

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47 **DocuSigned by:**
Monique Willis

48 CLERK OF COUNCIL

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47 **DocuSigned by:**
Rita S. Darrin

48 PRESIDENT OF COUNCIL

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51 APPROVED June 24, 2024

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3 DocuSigned by:

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5 _____

6 EXECUTIVE
7 CB33E40D287473...

8 ENACTED EFFECTIVE June 25, 2024

Voice Vote – YES: 10 – 0: Darrow, Dickinson,
Donofrio, Ford, McKenney, Rodgers, Schmidt,
Walters, Wiedie Higham, Wilhite
Absent: DeVitis