

1 RESOLUTION NO. 2018-323

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE September 10, 2018 COMMITTEE Public Works

6  
7 **A Resolution confirming an award by the Board of Control of a construction contract with**  
8 **Kenmore Construction Co., Inc., for the Upper Tuscarawas Waste Water Treatment Plant**  
9 **#36 RBC Project (Q-959), in an amount not to exceed \$17,643,750.00, authorizing the**  
10 **County Executive to execute a WPCLF loan agreement to fund said project, and**  
11 **appropriating funds, in Council District 8, for the Executive's Department of Sanitary**  
12 **Sewer Services and declaring an emergency.**

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14 WHEREAS, the Board of Control, at its meeting held August 15, 2018, awarded a  
15 construction contract with Kenmore Construction Co., Inc., for the Upper Tuscarawas Waste  
16 Water Treatment Plant #36 RBC Project (Q-959), in an amount not to exceed \$17,643,750.00,  
17 subject to confirmation by County Council; and

18  
19 WHEREAS, the Tuscarawas Waste Water Treatment Plant #36 RBC Project (Q-959) has  
20 also been titled the Construction of a New Biological Nutrient Reduction System, including in  
21 Resolution No. 2018-193, which authorized the County Executive to solicit bids for said project;  
22 and

23  
24 WHEREAS, this Council finds and determines after reviewing all pertinent information,  
25 that it is necessary and in the best interest of the County of Summit to authorize the County  
26 Executive to execute the construction contract with Kenmore Construction Co., Inc., to authorize  
27 the County Executive to execute a WPCLF loan agreement to fund said project, and to  
28 appropriate funds;

29  
30 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
31 of Ohio, that:

32  
33 SECTION 1

34  
35 The award by the Board of Control of a construction contract with Kenmore Construction  
36 Co., Inc., for the Upper Tuscarawas Waste Water Treatment Plant #36 RBC Project (Q-959), in  
37 an amount not to exceed \$17,643,750.00, is hereby confirmed and the County Executive is  
38 authorized to execute said contract. The County Executive is further authorized to execute a  
39 WPCLF loan agreement to fund said project, in Council District 8.

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41 SECTION 2

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43 Funds are hereby appropriated as follows:

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45 Q-959 Upper Tuscarawas WWTP #36 RBC Replacement Project

ACCOUNT NO.	DESCRIPTION	AMOUNT
53194-8510-19507	Loan/ Reimbursement	<u>\$17,643,750.00</u>
Total Revenue		\$17,643,750.00
53194-8510-78521	Contract Projects	<u>\$17,643,750.00</u>
Total Expense		\$17,643,750.00

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4 SECTION 3

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6 This Council hereby makes the following declaration of official intent under United States  
7 Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code  
8 of 1986 (the "Internal Revenue Code"):

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10 This Council declares, on behalf of the County, that it reasonably expects the  
11 expenditures related to the design, construction, improvement costs, equipment costs and  
12 financing costs including, but not limited to, underwriting, legal, and advisory fees, and any  
13 other costs related to the Upper Tuscarawas Waste Water Treatment Plant #36 RBC Project (Q-  
14 959) also known as the Construction of a New Biological Nutrient Reduction System, will be  
15 reimbursed with the proceeds of bonds (as defined in Section 150 of the Internal Revenue Code).  
16 The maximum principal amount of bonds expected to be issued for the purposes described in this  
17 Section 3 is not to exceed \$22,000,000.

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19 SECTION 4

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21 This Resolution is hereby declared an emergency in the interest of the health, safety and  
22 welfare of the residents of the County of Summit, and for the further reason to immediately  
23 authorize the aforementioned construction contract to allow for the construction to proceed as  
24 expeditiously as possible.

25  
26 SECTION 5

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

31  
32 SECTION 6

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

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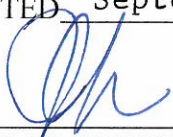
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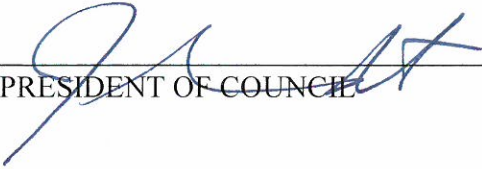
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INTRODUCED August 20, 2018

ADOPTED September 10, 2018

  
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CLERK OF COUNCIL

  
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PRESIDENT OF COUNCIL

APPROVED September 11, 2018

  
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EXECUTIVE

ENACTED EFFECTIVE September 11, 2018

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