

1 RESOLUTION NO. 2011-293

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3 SPONSOR Mr. Pry & Mr. Kostandaras

4  
5 DATE June 27, 2011 COMMITTEE Finance

6  
7 **A Resolution authorizing the issuance of bonds in the maximum principal amount of**  
8 **\$2,750,000.00 for the purpose of funding certain facility and sewer projects for the**  
9 **Executive's Departments of Environmental Services, Administrative Services, and Finance**  
10 **and Budget, and declaring an emergency.**

11  
12 WHEREAS, the County has identified certain matters fundamental to the preservation of  
13 certain infrastructure, implementation of energy efficiency savings to reduce costs and the  
14 development of new economic development opportunities (collectively, the "Projects") for the  
15 County and its citizens, which require funding in the following principal amounts:

	<u>Project Name</u>	<u>Repayment Source</u>	<u>Cost</u>
<b>Series A:</b>			
	Austen Bioinnovation Institute of Akron HVAC Improvements to Bldg I	General Fund	\$250,000
	Energy Efficient Projects:		
	Ohio Building HVAC Controls Upgrade	General Fund	\$915,000
	Domestic Relations HVAC Controls Upgrade	General Fund	\$15,000
	Safety Building HVAC Controls Upgrade	General Fund	\$580,000
	Summit County Courthouse & Annex HVAC Controls Upgrade	General Fund	\$100,000
	Summit County Jail HVAC Controls Upgrade	General Fund	\$120,000
<b>Series B:</b>			
	Dept. of Environmental Services (DOES) Pump Station 6 Force Main Evaluation and Assessment	Sewer Funds	\$119,000
	Springfield WWTP Study	Sewer Funds	\$247,000
	Mudbrook Sanitary Sewer System Modeling	Sewer Funds	\$404,000
		<b>TOTAL FUNDED</b>	<b>\$2,750,000</b>

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18 WHEREAS, this Council finds and determines that it is necessary and in the best interest  
19 of this County to authorize the issuance of bonds (the "Bonds") in the maximum principal  
20 amount of \$2,750,000 for the purpose of funding the Projects; and

21  
22 WHEREAS, the County Executive has requested the County Fiscal Officer, as the  
23 investing authority of the County, to purchase said Bonds under the authority of Section 135.35  
24 of the Ohio Revised Code; and

25  
26 WHEREAS, the purchase of the Bonds by the County Fiscal Officer will (a) achieve cost  
27 savings for the County in terms of expenses for the issuance of the Bonds, and (b) accomplish  
28 the issuance of the Bonds in a timely fashion; and

3  
4 WHEREAS, the County Fiscal Officer has agreed to purchase the Bonds in a private  
5 placement in accordance with the County's investment policy; and  
6

7 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
8 that it is necessary and in the best interest of the County to fund the Projects internally in order to  
9 achieve interest cost savings while still preserving infrastructure, implementing energy efficiency  
10 savings to reduce costs, and creating economic development opportunities.  
11

12 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit,  
13 State of Ohio, that:  
14

15 SECTION 1. Findings and Determinations. This Council finds and determines the  
16 following matters:  
17

- 18 (a) It is necessary for the County to issue the Bonds for the purpose of (1) funding  
19 the Projects, and (2) paying the financing costs of the Bonds pursuant to Chapter  
20 133 of the Ohio Revised Code.  
21
- 22 (b) All acts and conditions necessary to be performed by the County or to have been  
23 met for the issuance of the Bonds in order to make them legal, valid, and binding  
24 general obligations, in part, and special obligations, in part, of the County, have  
25 been performed and met, or will have been performed and met, at the time of  
26 delivery of the Bonds, as required by law.  
27
- 28 (c) No statutory or constitutional limitation of indebtedness or taxation will be  
29 exceeded by the issuance of the Bonds.  
30

31 SECTION 2. Authorization and Terms. This Council authorizes the issuance of the  
32 Bonds for the purposes described in Section 1 (a), and the Bonds shall be issued in an A Series  
33 and B Series as identified in that Section. The Bonds will have the following terms:  
34

- 35 (a) Amount. The Bonds shall be issued in the maximum principal amount of  
36 \$2,750,000, or any lesser principal amount as determined by the Authorized  
37 Officer in the Certificate of Award.  
38
- 39 (b) Term and Maturity. Principal payments on the Bonds shall mature on December  
40 1<sup>st</sup> of each of the following years (the "Principal Payment Dates"), or such other  
41 years as set forth in the Certificate of Award, in the following principal amounts:  
42

<u>Year</u>	<u>Principal Amount</u>
2012	\$550,000.00
2013	\$550,000.00
2014	\$550,000.00
2015	\$550,000.00
2016	\$550,000.00



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4 provided that, the principal amount of Bonds maturing on any one or more of the  
5 Principal Payments Dates may be increased or decreased as specified by the  
6 Authorized Officer in the Certificate of Award, if determined to be in the best  
7 interests and financial advantages of the County.

- 8  
9 (c) Date. The Bonds shall be dated the Closing Date, or any other date not more  
10 than 30 days before the Closing Date, as determined by the Authorized Officer in  
11 the Certificate of Award.
- 12  
13 (d) Interest. The Bonds shall bear interest from their date at a rate not to exceed 8%  
14 per annum. The rate of interest on the Bonds shall be determined by the  
15 Authorized Officer in the Certificate of Award.
- 16  
17 (e) Redemption. The Authorized Officer shall determine whether the Bonds shall be  
18 redeemable. In the event that the Authorized Officer determines that the Bonds  
19 are redeemable, the Bonds shall be subject to redemption before maturity, in  
20 whole or in part, at any time or from time to time, on or after the Earliest  
21 Optional Redemption Date, at a redemption price of the remaining principal  
22 amount being redeemed, plus interest accrued to the redemption date on the  
23 principal amount prepaid. The County Executive must give the Holder 10 days'  
24 notice of his election to redeem the Bonds. If fewer than all of the Bonds are  
25 called for redemption at one time, they shall be called from the maturities and in  
26 the principal amount of a maturity as selected by the County.
- 27  
28 (f) Form. The Bonds shall not be issued in book-entry form. The Bonds shall be  
29 issued in fully registered form, registered in the name of the Holder, initially the  
30 County Fiscal Officer, and delivered to him in such manner as the Fiscal Officer  
31 requests.
- 32  
33 (g) Payment. Interest on the Bonds shall be payable on each Interest Payment Date,  
34 on each redemption date, and on the maturity date of the Bonds. Interest payable  
35 on each Interest Payment Date will be for the period beginning on the previous  
36 Interest Payment Date, or, for the first Interest Payment Date, beginning on the  
37 Closing Date and ending on the day before the Interest Payment Date. Interest  
38 payable on each redemption date shall be for the period beginning on the  
39 previous Interest Payment Date and ending on the day before the redemption  
40 date, for the principal amount of the Bonds being redeemed. Interest payable on  
41 the maturity date will be for all interest accrued but unpaid on the Bonds. The  
42 principal on the Bonds shall be payable on each Principal Payment Date or  
43 earlier redemption date.
- 44  
45 (h) Designation. The Bonds shall be designated "Capital Improvements and  
46 Development Taxable Bonds" unless otherwise designated by the Authorized  
47 Officer in the Certificate of Award.
- 48  
49 (i) Execution. The Bonds shall be signed by the County Executive and the County  
50 Fiscal Officer in the name of the County and in their official capacities, provided,  
51 that either or both of those signatures may be a facsimile.
- 52

3  
4 (j) Security for the Bonds. Series A shall be a general obligation of the County and  
5 the Debt Service on the Series A Bonds shall be payable from, and shall be  
6 secured by a pledge of and a lien on, the general funds of the County. Series B  
7 shall be a special obligation of the County and the Debt Service on the Series B  
8 Bonds shall be payable from, and shall be secured by a pledge of and a lien on,  
9 the sewer funds of the County; provided, however, nothing in this resolution or  
10 the Series B Bonds shall constitute a general obligation, debt or bonded  
11 indebtedness of the County; neither the general resources of the County shall be  
12 required to be used, nor the general credit of the County pledged, for the  
13 performance of any duty under this resolution or the Series B Bonds; and further,  
14 nothing therein gives the Holder, and it does not have, the right to have excises or  
15 taxes levied by the Council or by the State or the taxing authority of any other  
16 political subdivision, for the payment of Debt Service on the Series B Bonds, and  
17 the Series B Bonds shall contain a statement to that effect; provided, however,  
18 that nothing in this resolution shall be deemed to prohibit the County, of its own  
19 volition from using to the extent it is lawfully authorized to do so, any other  
20 resources or revenues for the fulfillment of any of the terms, conditions or  
21 obligations the Series B Bonds.  
22

23 SECTION 3. Sale of the Bonds. The Bonds will be sold at private sale to the Original  
24 Purchaser, in accordance with law and the provisions of the Authorizing Legislation, at a  
25 purchase price to be determined by the Authorized Officer in the Certificate of Award.  
26

27 This Council authorizes and directs the Authorized Officer to sign and deliver the  
28 Certificate of Award. The Authorized Officer must state in the Certificate of Award: the  
29 principal amount of the Bonds, the interest rate on the Bonds, the purchase price for the Bonds,  
30 and any other terms required by this resolution. The Authorized Officer may state in the  
31 Certificate of Award any changes in the date, the maturity data, the designation of the Bonds,  
32 and any other terms authorized by this resolution, subject to the limits stated in the this  
33 resolution.  
34

35 SECTION 4. Use of Bond Proceeds. After the deposit of any accrued interest and  
36 premium, the remainder of the proceeds of the Bonds must be paid into the proper fund or funds  
37 and used to fund the Projects and to pay any Financing Costs of the Bonds, to the extent that the  
38 Authorized Officer determines to pay those Financing Costs from the proceeds of the Bonds.  
39 This Council appropriates the proceeds of the Bonds for those purposes.  
40

41 SECTION 5. Definitions. Unless otherwise defined in this resolution, capitalized words  
42 and terms used in this resolution shall have the meanings as set forth in this Section 5:  
43

44 "Authorized Officer" means the County Executive.  
45

46 "Authorizing Legislation" means, collectively, this resolution and the Certificate of  
47 Award.  
48

49 "Bonds" means the County's Bonds authorized in Section 2 of this resolution.  
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4 "Certificate of Award" means the certificate authorized by Section 3 of this resolution  
5 setting forth the terms and other provisions of the Bonds required or authorized by this  
6 resolution.

7  
8 "Closing Date" means December 1, 2011 or such other date as shall be determined by  
9 the Authorized Officer in the Certificate of Award.

10  
11 "Debt Service" means all amounts due as principal, interest, and any premium on an  
12 issue of securities.

13  
14 "Earliest Optional Redemption Date" means a date six months after the Closing Date or  
15 such other date as shall be determined by the Authorized Officer in the Certificate of  
16 Award.

17  
18 "Financing Costs" means any financing costs authorized to be paid by Section 133.10(K)  
19 of the Revised Code.

20  
21 "Holder" means the person in whose name the Bonds are registered.

22  
23 "Interest Payment Date" means each December 1<sup>st</sup>, commencing December, 2012.

24  
25 "Original Purchaser" means the County Fiscal Officer as the investing authority of the  
26 County.

27  
28 "Sewer Funds" means funds from the County's sewer enterprise fund, which is funded  
29 through user fees and other charges collected through the operation of the County's  
30 Department of Environmental Services' sanitary sewer system.

31  
32 SECTION 6. Emergency. This Resolution is hereby declared an emergency in the  
33 interest of the health, safety and welfare of the citizens of the County of Summit and for the  
34 further purpose to immediately allow for the prompt issuance of the Bonds to achieve interest  
35 cost savings to the County.

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37 SECTION 7. Effective Date. Provided this Resolution receives the affirmative vote of  
38 eight members, it shall take effect immediately upon its adoption and approval by the County  
39 Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

40  
41 SECTION 8. Open Meeting Requirement. It is hereby found and determined that all  
42 formal actions of this Council concerning and relating to the adoption of this Resolution were  
43 adopted in an open meeting of this Council, and that all deliberations of this Council and of any  
44 of its committees that resulted in such formal action were in meetings open to the public, in  
45 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.  
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INTRODUCED June 20, 2011

ADOPTED June 27, 2011

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED June 28, 2011

  
EXECUTIVE

ENACTED EFFECTIVE June 28, 2011

Voice Vote: 10-0-1: YES: Komunale, Crawford, Feeman, Kostandaras, Kurt, Lee  
Prentice, Rodgers, Roemer, Schmidt  
ABSTAIN: Shapiro