

1 RESOLUTION NO. 2014-318

First Reading Passage Requested
(J. Dodson)

2
3 SPONSOR Mr. Pry

4
5 DATE June 30, 2014

COMMITTEE Planning

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7 **A Resolution requesting the issuance by the Akron, Bath and Copley Joint Township**
8 **Hospital District, Ohio, of Hospital Facilities Revenue Bonds, pursuant to Chapter 140 of**
9 **the Ohio Revised Code, a portion of the proceeds of which will be used to pay costs of certain**
10 **hospital facilities in Cuyahoga Falls, Ohio, and authorizing and approving related matters,**
11 **for the Executive's Department of Law, Insurance and Risk Management, and declaring an**
12 **emergency.**

13 WHEREAS, the County of Summit, Ohio (the "County") is a "public hospital agency," as
14 defined in Revised Code Chapter 140 (the "Act"), and is authorized by the Act to enter into
15 agreements with other public hospital agencies (a) to acquire, construct, improve and equip
16 "hospital facilities," as defined in the Act, and (b) to provide for the issuance of revenue bonds to
17 pay "costs of hospital facilities" and to refund obligations previously issued to pay those costs, all
18 as defined and provided in the Act;

19 WHEREAS, the Akron, Bath and Copley Joint Township Hospital District, Ohio (the
20 "Issuer") and the County entered into a Public Hospital Agencies Agreement dated as of April 1,
21 2002 (the "Agreement"), authorized by Ordinance No. 2002-245 passed April 29, 2002 and
22 approved April 30, 2002, which contemplates, among other things, the issuance of bonds by the
23 Issuer to finance hospital facilities of Summa Health System and Summa Akron City and St.
24 Thomas Hospitals (which includes the hospital facilities of Summa Cuyahoga Falls General
25 Hospital) and their affiliates (collectively, the "Summa Affiliates"); and

26 WHEREAS, Summa Health System has requested that this Council and the County
27 Executive approve the issuance by the Issuer of Hospital Facilities Refunding Revenue Bonds in
28 one or more series in the maximum aggregate principal amount of \$160,000,000 (the "Hospital
29 Facilities Revenue Bonds") to pay costs of hospital facilities situated in Cuyahoga Falls, Ohio and
30 within the jurisdiction of the Issuer and to refund obligations previously issued to pay those costs;
31 and

32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
33 that it is necessary and in the best interest of the County of Summit to authorize the issuance of the
34 bonds;

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

37 SECTION 1

38 Findings and Determinations. This Council finds and determines, consistent with, and in
39 furtherance of the Agreement, that (a) the proposed issuance of Hospital Facilities Revenue Bonds
40 by the Issuer will promote the public purposes stated in Section 140.02 of the Act and (b) each of
41 the Summa Affiliates constitutes a nonprofit hospital agency within the meaning of the Act and the
42 hospital facilities to be financed or refinanced by the Hospital Facilities Revenue Bonds and to be
43 utilized in connection with the provision of health care services by the Summa Affiliates within
44 this County constitute hospital facilities, the costs of which are financeable under the Act.

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3 SECTION 2

4 Request for Issuance of Hospital Facilities Revenue Bonds. This Council requests that the
5 Issuer issue the Hospital Facilities Revenue Bonds pursuant to the Act and allocate a portion of the
6 proceeds to finance the costs of hospital facilities within Cuyahoga Falls, Ohio, and otherwise
7 within this County, consistent with the provisions of this Resolution. A public hearing with
8 respect to the proposed issuance of the Bonds shall be conducted by the Issuer or its designee on
9 behalf of the Issuer and the County. Notice of the public hearing shall be published in the *Akron*
10 *Beacon Journal*, a newspaper of general circulation in Summit County. Following such hearing,
11 the County Executive is authorized to approve the issuance of the Hospital Facilities Revenue
12 Bonds as the “applicable elected representative” of the County. Such approval shall also constitute
13 the approval of this Council.

14 SECTION 3

15 Public Hospitals Agencies Agreement. This Council finds, determines and confirms that
16 the Hospital Facilities Revenue Bonds are “Obligations” contemplated by the Agreement.
17 Further, upon approval by the Issuer in its resolution providing for the issuance of the Hospital
18 Facilities Revenue Bonds, the Agreement shall be, without further action by this Council or the
19 County Executive, amended so that the term “Corporations” used therein shall be deemed to (i)
20 reflect the merger of Cuyahoga Falls General Hospital into Summa Akron City and St. Thomas
21 Hospitals, and (ii) include any applicable Summa Affiliate and their affiliates as the context may
22 require in order for the Issuer to issue the Hospital Facilities Revenue Bonds.

23 SECTION 4

24 Authorization and Execution of Documents. The County Executive, the Clerk of this
25 Council and any other appropriate officer of the County, acting alone or acting together with any
26 of the others, is authorized and directed to execute, deliver and, if applicable, file for and in the
27 name and on behalf of the County, any certifications, financing statements, assignments and other
28 instruments and documents and take such other actions which are necessary or appropriate to
29 consummate the transactions contemplated in this Resolution and the Agreement, including
30 without limitation, any such action as may be necessary to achieve the defeasance and redemption
31 of any of the County’s revenue bonds previously issued for the benefit of Cuyahoga Falls General
32 Hospital which are to be defeased and redeemed with proceeds of the Issuer’s Hospital Facilities
33 Revenue Bonds.

34 SECTION 5

35 No Obligation. The Hospital Facilities Revenue Bonds do not constitute general
36 obligations, debt or bonded indebtedness of the Issuer or this County and neither the faith or credit
37 or taxing power of the Issuer or this County or any other political subdivision shall be pledged to
38 the payment of principal of or interest on the Hospital Facilities Revenue Bonds and the holders or
39 owners thereof shall not be given the right and have no right to have excises or taxes levied by the
40 Issuer or this County for the payment of principal of and interest thereon. Further, no part of the
41 Hospital Facilities Revenue Bonds shall be issued, or shall be deemed issued, for or on behalf of
42 the County.

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3 SECTION 6

4 Emergency Provision. This Resolution is declared to be an emergency measure necessary for
5 the immediate preservation of the public peace, health and safety of the County and for the further
6 reason that this Resolution is required to be immediately effective in order to enable the County to
7 approve and facilitate the issuance of the Hospital Facilities Revenue Bonds, and thereby to permit
8 the Summa Affiliates to acquire, construct, improve, equip and refinance hospital facilities and to
9 enhance the availability, efficiency and economy of hospital facilities and services rendered thereby
10 available to County residents

11 SECTION 7

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

15 SECTION 8

16 Compliance with Open Meeting Requirements. It is found and determined that all formal
17 actions of this Council concerning and relating to the adoption of this Resolution were adopted in
18 an open meeting of this Council, and that all deliberations of this Council and of any of its
19 committees that resulted in such formal action, were in meetings open to the public, in compliance
20 with all legal requirements, including Section 121.22 of the Ohio Revised Code.

21
22 INTRODUCED June 30, 2014

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24 ADOPTED June 30, 2014

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27 
28 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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30 APPROVED July 1, 2014

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33 
34 COUNTY EXECUTIVE

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36 ENACTED EFFECTIVE July 1, 2014

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras,
Kurt, Lee, Rodgers, Roemer, Schmidt, Shapiro
ABSENT: Prentice