

1 RESOLUTION NO. 2022-192

2  
3 SPONSOR Executive Shapiro

4  
5 DATE June 27, 2022

COMMITTEE Public Safety

6  
7 **A Resolution authorizing the Executive to execute a Cooperative Agreement with the City of**  
8 **Fairlawn, whereby the County will design, construct, and finance a data center and high-speed**  
9 **fiber optic ring project, form a Regional Council of Governments with the City of Fairlawn to**  
10 **operate the project, and lease the project to the Regional Council of Governments, and further**  
11 **authorizing the Executive to execute those Agreements set forth in the Cooperative Agreement,**  
12 **including, but not limited to, the intergovernmental agreement, leases and credit-line loan**  
13 **agreement set forth in the Cooperative Agreement, in Council District 5, for the Executive, and**  
14 **declaring an emergency.**

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16 WHEREAS, the County desires to use a portion of State and Local Fiscal Recovery Funds  
17 from the American Rescue Plan Act, which amended Title VI of the Social Security Act, 42 U.S.C.  
18 801, et seq. to create Section 603 (“ARPA”) for broadband infrastructure investments to address  
19 challenges with broadband access, affordability, and reliability in the County; and

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21 WHEREAS, the County desires to utilize approximately \$35 million of its ARPA funds to  
22 construct an approximately 125-130 mile high-speed fiber optic ring throughout the County (“Fiber  
23 Ring”); and

24  
25 WHEREAS, the City of Fairlawn (“City”) currently owns 4.52 acres of vacant real property,  
26 which is located in the Fairlawn Corporate Park (“Data Center Site”); and

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28 WHEREAS, the County desires to use approximately \$20 million of its General Capital  
29 Improvements Funds to construct a secure, 20,000+/- square feet data center for public-use and  
30 private-use, together with associated improvements (“Data Center Improvements”) and to further  
31 equip the same (“Data Center Equipment”); and

32  
33 WHEREAS, the City currently owns and operates a successful high-speed broadband utility  
34 service provided to its residents and businesses known as FairlawnGig, and has unique expertise in  
35 operating publicly-owned broadband assets; and

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37 WHEREAS, the County desires to form with the City a regional council of governments  
38 known as the Summit-Fairlawn Regional Council of Governments (“COG”) for the purpose of  
39 operating the Fiber Ring, Data Center Improvements and Data Center Equipment; and

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41 WHEREAS, upon formation, the City will lease the Data Center Site to the COG, and the  
42 County will lease the Fiber Ring, Data Center Improvements and Data Center Equipment to the  
43 COG, and pursuant to those leases the COG shall operate, maintain and manage the same; and

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45 WHEREAS, capitalizing on the City’s unique expertise, the COG will further contract with  
46 the City for assistance with the operation, maintenance and management of the Fiber Ring, Data  
47 Center Improvements and Data Center Equipment, and may also contract with the County from time  
48 to time to receive certain services and assistance; and

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5 WHEREAS, the County desires to enter into a certain Cooperative Agreement (the  
6 “Cooperative Agreement”) with the City, a copy of which is attached hereto as Exhibit A, setting  
7 forth the cooperative arrangements enumerated above, and further setting forth several agreements  
8 needed to effectuate the cooperative arrangements, including, but not limited to, an  
9 intergovernmental agreement necessary to create the COG, leases for the lease of the Fiber Ring,  
10 Data Center Improvements and Data Center Equipment to the COG, a credit-line loan from the  
11 County to the COG to provide operating capital to the COG and operation, maintenance and  
12 management agreements between the COG and the City; and  
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14 WHEREAS, this Council finds and determines, after reviewing all pertinent information, that  
15 it is necessary and in the best interest of the County of Summit to authorize the Executive to execute  
16 the Cooperative Agreement, and other agreements necessary to complete the Project;  
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18 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State of  
19 Ohio, that:  
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21 SECTION 1  
22

23 The Executive is hereby authorized to execute the Cooperative Agreement in substantially the  
24 same form as is attached hereto as Exhibit A, together with any revisions thereto as are not materially  
25 adverse to the County, which shall be conclusively established upon the execution of a final  
26 agreement by the Executive, together with all other agreements contemplated and/or set forth in the  
27 Cooperative Agreement necessary to effectuate the cooperative arrangements set forth in the  
28 Cooperative Agreement.  
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30 SECTION 2  
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32 This Resolution is hereby declared an emergency in the interest of the health, safety and  
33 welfare of the residents of the County of Summit, and for the further reason to immediately authorize  
34 the Executive to execute the Cooperative Agreement and all other agreements set forth above to  
35 complete the project set forth in the Cooperative Agreement in an expeditious manner and in a  
36 timeframe consistent with the deadline for the expenditure of the County’s ARPA funds.  
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38 SECTION 3  
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40 Provided this Resolution receives the affirmative vote of eight members, it shall take effect  
41 immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be in  
42 force at the earliest time provided by law.  
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44 SECTION 4  
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46 It is found and determined that all formal actions of this Council concerning and relating to  
47 the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
48 deliberations of this Council and any of its committees that resulted in such formal action were in  
49 meetings open to the public, in compliance with legal requirements, including Section 121.22 of the  
50 Ohio Revised Code.

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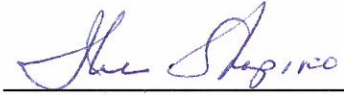
INTRODUCED June 13, 2022

ADOPTED June 27, 2022

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED June 28, 2022

  
EXECUTIVE

June 28, 2022  
ENACTED EFFECTIVE

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite