

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUMMIT FOR THE ACQUISITION AND OPERATION OF SANITARY SEWER FACILITIES IN THE CITY OF HUDSON BY THE COUNTY OF SUMMIT, AND DECLARING AN EMERGENCY.

WHEREAS, the County of Summit (the “County”) created and operates the Summit County Metropolitan Sewer District (the “District”); and

WHEREAS, the County currently owns and operates certain sanitary sewer facilities located in the area of the City of Hudson (the “City”) that was formerly known as the Township of Hudson prior to merger of the City and the Township, and which facilities were included in the District at the District’s creation; and

WHEREAS, the City of Hudson currently owns and operates certain sanitary sewer facilities located in the area of the City that was formerly known as the Village of Hudson, which facilities were not included in the District; and

WHEREAS, in the interest of consolidating services in the County and City, reducing overall costs of services and increasing efficiency, the City wishes to transfer and the County wishes to acquire the sanitary sewer facilities located in the area of the former Village of Hudson and to operate all sanitary sewer facilities within the City’s corporate boundaries; and

WHEREAS, the principal terms of an agreement authorizing this transfer of sanitary sewer facilities to the County (the “Agreement”) are set forth in Section 1 of this Resolution and the Agreement will contain those items and any additional terms deemed necessary by the City Manager, in consultation with the City Solicitor; and

WHEREAS, it is the intent of the parties that pursuant to the Agreement, the County will service the customers currently served by the City and will replace the City as the sole sanitary sewer provider in the City, and the County will charge those customers user fees at rates equal to the City’s current sewer users fees for a period of 3 years following the date of the transfer of the sanitary sewer facilities; and

WHEREAS, in the interested of reducing costs and increasing efficiency, this Council believes that authorizing the City Manager to enter into an agreement with the County for the acquisition and operation of all sanitary sewer facilities located within the City’s corporate boundaries is in the best interest of the City and its residents.

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

Section 1: The City Manager is authorized to enter into an agreement with The County of Summit for the County to acquire ownership of the sanitary sewer facilities located in the area

of the former Village of Hudson and to be the sole sanitary sewer provider in the City and that such agreement shall contain, at least, the following terms:

1. The County shall pay the City \$1.00 for the City's sanitary sewer facilities located in the area of the former Village of Hudson;
2. The County shall assume the obligation to construct the necessary sanitary sewer improvements as the City was ordered to do in Summit County Court of Common Pleas Case No. CV 92-10-3905 (the "Order");
3. The County shall pay the remaining debt obligations on the City's sanitary sewer facilities located in the area of the former Village of Hudson in an amount not to exceed \$2,352,241.50, payable in yearly installments to the City over a twenty (20)-year period, as set forth in Exhibit A attached hereto and incorporated herein by reference;
4. The County will service the customers currently served by the City and be the sole sanitary sewer provider in the City for all current and future customers;
5. The County will charge those acquired customers user fees at a rate equal to the City's current sewer user fee for a period of three (3)-years immediately following the date of transfer of the sanitary sewer facilities;
6. The City will retain responsibility for any violations of the court Order and any other environmental violations occurring prior to the transfer of the City sewer facilities to the County, with the consent of the Ohio EPA under a revised Order;
7. The County shall become a party to Summit County Court of Common Pleas Case No. 92-10-3905 and any subsequent orders in that case, if possible; and
8. Such other terms as the City Manager, in consultation with the City Solicitor, may determine are necessary and that are not in conflict with the terms set forth in this Resolution.

Section 2: Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that the County and the City need to complete this transaction before the end of the year; wherefore, this Resolution shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto or six affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise it shall take effect and be in force from and after the earliest period allowed by law..

PASSED: _____

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____, 2015.

Elizabeth Slagle, Clerk of Council

EXHIBIT A

CITY OF HUDSON
SEWER DEBT SCHEDULE

Year	System Improvements I	System Improvements II	Total
2015	\$ 41,742.00	\$ 71,756.50	\$ 113,498.50
2016	\$ 40,742.00	\$ 69,996.50	\$ 110,738.50
2017	\$ 44,642.00	\$ 69,236.50	\$ 113,878.50
2018	\$ 43,292.00	\$ 72,456.50	\$ 115,748.50
2019	\$ 42,692.00	\$ 71,476.50	\$ 114,168.50
2020	\$ 42,242.00	\$ 68,741.50	\$ 110,983.50
2021	\$ 41,792.00	\$ 71,036.50	\$ 112,828.50
2022	\$ 42,342.00	\$ 70,286.50	\$ 112,628.50
2023	\$ 41,799.50	\$ 73,411.50	\$ 115,211.00
2024	\$ 42,179.50	\$ 72,331.50	\$ 114,511.00
2025	\$ 44,539.50	\$ 70,251.50	\$ 114,791.00
2026	\$ 43,839.50	\$ 72,191.50	\$ 116,031.00
2027	\$ 40,034.50	\$ 71,903.50	\$ 111,938.00
2028	\$ 44,298.50	\$ 73,592.50	\$ 117,891.00
2029	\$ 43,392.00	\$ 72,122.50	\$ 115,514.50
2030	\$ 42,485.50	\$ 73,652.50	\$ 116,138.00
2031	\$ 43,542.00	\$ 76,046.00	\$ 119,588.00
2032	\$ 42,547.50	\$ 74,337.50	\$ 116,885.00
2033	\$ 44,475.00	\$ 75,495.00	\$ 119,970.00
2034	\$ 45,320.00	\$ 75,570.00	\$ 120,890.00
2035		\$ 48,410.00	\$ 48,410.00

Notes:

System Improvements I - 2004 issue refunded in 2012
System Improvements II - 2005 issue refunded in 2012