

RESOLUTION NO. 52-2017

**TITLE: ENTER INTO AGREEMENT – OWDA
BRENTWOOD PACKAGE PLANT ELIMINATION
PHASE 3 IMPROVEMENTS**

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT AND ENTER INTO A COOPERATIVE AGREEMENT FOR PLANNING OF THE BRENTWOOD ESTATES PACKAGE PLANT ELIMINATION – PHASE 3 PROJECT BETWEEN THE CITY OF BARBERTON AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton (hereinafter referred to as the “LGA”) wishes to proceed with the planning and design of the Brentwood Estates Package Plant elimination – Phase 3 Project in the City of Norton pursuant to an inter-municipal agreement between the City of Barberton and the City of Norton executed January 7, 2017; and

WHEREAS, the LGA seeks to upgrade the existing aforementioned wastewater facilities pursuant to the aforementioned agreement; and

WHEREAS, the LGA desires to obtain a loan from the Ohio Water authority (hereinafter referred to as the “OWDA”), to finance the cost of planning and design of such facilities on the terms as set forth in the Cooperative Agreement (defined below); and

WHEREAS, the LGA has agreed on a time schedule with the Ohio EPA for the construction of said wastewater facilities improvements; and

WHEREAS, the LGA intends to apply for an OWDA planning loan to repay itself for advancing funds for the planning and design of the aforementioned improvements; and

WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose and on the terms as set forth in the Cooperative Agreement; and

WHEREAS, the OWDA requires the LGA to pass legislation for application for a loan and the execution of an agreement, as well as designation of a dedicated repayment source(s).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the LGA hereby approves the planning of the aforesaid Brentwood Estates Package Plant elimination – Phase 3 Project in cooperation with the OWDA under the provisions, terms and conditions set forth in the “Cooperative Agreement for State Planning Project” as set forth in Exhibit A (the “Cooperative Agreement”) and hereby authorizes the Chief Executive Officer and the Chief Fiscal Officer of the LGA to execute the Cooperative Agreement with the OWDA substantially in the form set forth in Exhibit A.

SECTION 2. That the Council and Administration of the LGA hereby designate sewer user fee revenue for a dedicated source of repayment to the OWDA for the aforementioned improvements.

SECTION 3. That the Council and Administration of the LGA hereby request that the OWDA consider and funds its application.

SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were conducted in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the LGA and the inhabitants thereof, for reason that time is of the essence to comply with the OWDA time constraints which must be met in order to receive such loans; to meet the schedule for construction of said project with the Ohio EPA; for the further reason that the immediate planning, design and construction of the Brentwood Estate Package Plant Elimination – Phase 3 Project at the earliest possible time is necessary to protect the health of the inhabitants of the LGA and the City of Norton; and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its adoption and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2017

Clerk of Council

President of Council

Approved _____ 2017

Mayor