

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2019-54

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS COMPENSATION FOR THE USE OF SAID HEALTH CENTER, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Southwest General Health Center, with its principal office in the City of Middleburg Heights, Ohio, has tendered to the City of Berea a contract covering the use, maintenance and support of said Health Center by the inhabitants of this City during a five (5) year period; and

**WHEREAS**, the tendered contract provides principally and in substance: (a) that the City agrees to submit to its electors for approval or disapproval at the general election to be held on November 5, 2019, the question of levying a tax of one (1) mill in excess of the ten mill limitation upon its taxable property for the five (5) year tax levy period comprising the years 2020 to 2024, both inclusive, to be collected in years 2021 to 2025, which amount represents a renewal of a tax of one (1) mill now being levied for such purpose for the maintenance and support and as compensation for the use of the Health Center, and subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid; and (b) that the Health Center agrees that during the calendar years 2021 to 2025, both inclusive, the buildings, facilities and equipment in use by it for Health Center or health care service shall be at the service of and to the extent of their capacity and, subject to like use by other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City except those who, in the opinion of a majority of the Health Center Trustees, may be able to pay therefore, and that the City shall be entitled to select at least one (1) member of the Board of Trustees of the Health Center to serve during said term of years and that the remaining members of the Board shall be selected according to the provisions of its constitution and/or by-laws either now in effect or hereinafter lawfully enacted.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, Cuyahoga County, State of Ohio:

**SECTION 1.** That the Mayor be and is hereby authorized and directed to enter into a contract with Southwest General Health Center, as set forth in Exhibit A, attached hereto and incorporated herein by reference, and to do all things necessary in furtherance thereof.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the continued availability of adequate Health Center facilities for the inhabitants of this City cannot otherwise be assured. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2019-54

By Haschka Sponsored By Mayor Kleem

PASSED: June 3, 2019

[Signature]  
President of Council

ATTEST: [Signature]  
Clerk of Council

APPROVED: June 18, 2019  
[Signature]  
Mayor

Approved as to Form:  
[Signature]  
Director of Law

**CONTRACT**

This contract (the "Contract") made and entered into this day of \_\_\_\_\_, 2019, by and between the City of Berea, a municipal corporation in Cuyahoga County, Ohio, hereinafter referred to as the "City" and SOUTHWEST GENERAL HEALTH CENTER, a corporation not-for-profit situated in the City of Middleburg Heights, Ohio, hereinafter referred to as the "Health Center."

**WITNESSETH:**

**WHEREAS**, pursuant to the provisions of Ohio Revised Code Sections 749.01 and 5705.191, municipal corporations are authorized to levy and collect a tax upon its taxable property and to pay the proceeds thereof to a general hospital for the maintenance and support thereof as compensation for its use; and

**WHEREAS**, the Health Center is a corporation not-for-profit organized under Ohio law for charitable purposes and is operating a general hospital in the City of Middleburg Heights, Cuyahoga County, Ohio, suitably and conveniently located for the use and convenience of the inhabitants of the City.

**NOW, THEREFORE**, the City agrees: (a) to submit to its electors for approval or disapproval at the general election to be held on November 5, 2019, the question of levying a tax of one (1) mill in excess of the ten (10) mill limitation upon its taxable property for the five (5) year period comprising the tax levy years 2020 to 2024, both inclusive, for the maintenance and support and as compensation for the use of the Health Center; which amount represents a renewal of a tax of one (1) mill now being levied for such purpose; and (b) subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid.

In consideration of the levy and collection of said taxes and its receipt by the Health Center, the Health Center agrees: (a) that during the calendar years 2021 to 2025, both inclusive, the building, facilities and equipment in use by it for hospital or health care services, shall be at the service of and to the extent of their capacity and, subject to like use by the inhabitants of other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City; such treatment

to be free to the inhabitants of the City except those who in the opinion of a majority of the Health Center Trustees may be able to pay therefor; (b) that the City shall be entitled to select at least one (1) member of the Board of Trustees of the Southwest Community Health System, which is the sole voting member of the Health Center, to serve during said term of years and that the remaining members of the Board of Southwest Community Health System shall be selected according to the provision of its constitution and/or by-laws either now in effect or hereafter lawfully enacted; and (c) that the Treasurer of the Health Center shall annually make a financial report setting forth all of the money and property which has come into his/her hands during the preceding year and the disposition thereof together with any recommendations as to the future necessity of the Health Center.

**IT IS FURTHER MUTUALLY** understood and agreed that the Health Center's Board of Trustees shall have general charge of the Health Center, shall select its officers, medical staff and other employees and shall establish rules and regulations for the management and conduct of the business of said Health Center, including determination of the rate of compensation to be paid for its services by such patients as it deems capable of paying therefor.

**IT IS FURTHER MUTUALLY** understood and agreed that the Contract shall immediately terminate in the event the question of levying the tax described above is not passed affirmatively at the November 5, 2019 election.

**IN WITNESS WHEREOF** the parties hereto, by their respective officers duly authorized, hereunto set their hands as of the day and year first above written.

*[Signature Page Follows]*

CITY OF BEREA

By: \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_  
Its Clerk of Council

SOUTHWEST GENERAL HEALTH CENTER

By: \_\_\_\_\_  
Its President and Chief Executive Officer

By: \_\_\_\_\_  
Its Secretary