

1 RESOLUTION NO. 2023-070

First Reading Passage Requested  
(L. Reed)

2  
3 SPONSOR Executive Shapiro

4  
5 DATE March 20, 2023

COMMITTEE Finance

6  
7 **A Resolution pursuant to Section 177.18 of the Codified Ordinances of the County of**  
8 **Summit authorizing the sale by the Executive and Board of Elections of three ES&S 850**  
9 **high-speed scanners back to the vendor, Election Systems & Software, LLC., and**  
10 **authorizing the Executive to execute documents concerning the same, for the Board of**  
11 **Elections, and declaring an emergency.**

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13 WHEREAS, as noted in Resolution Number 2022-346, the Ohio General Assembly  
14 authorized the Ohio Secretary of State to provide financing to Ohio counties for the acquisition  
15 of voting systems; and

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17 WHEREAS, the Board of Elections (“BOE”) has utilized this financing in the acquisition  
18 of a new voting system through Clear Ballot Group making Election Systems & Software, LLC.  
19 (“ES&S”) voting equipment no longer necessary to store or maintain; and

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21 WHEREAS, ES&S proposes to buy back three of its 850 high-speed scanners, upon the  
22 approval of the office of the Ohio Secretary of State, and ES&S has offered a Bill of Sale for  
23 \$51,000.00 for the three scanners, a copy of which is attached hereto as Exhibit A and  
24 incorporated fully herein; and

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26 WHEREAS, the BOE, at its meeting held on February 22, 2023, was informed by its  
27 Director that the Ohio Secretary of State found no prohibition to the selling of the high-speed  
28 scanners back to ES&S and the BOE approved this sale; and

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30 WHEREAS, Section 177.18(b)(2) of the Codified Ordinances of the County of Summit  
31 provides that where surplus property exceeds \$25,000.00, the Executive, with the approval of  
32 this Council, may sell or transfer the property, through the Purchasing Division; and

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34 WHEREAS, Section 177.18(e) of the Codified Ordinances permits the Executive, with  
35 the approval of this Council, to dispose of property not needed for public use, without  
36 conducting a public auction or sealed bids provided this Council finds good cause as to why  
37 these methods are not warranted to dispose of surplus equipment; and

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39 WHEREAS, this Council finds, pursuant to Section 177.18(e), that good cause exists that  
40 a public auction or sealed bid is not warranted for the disposal of the above referenced scanners;

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42 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
43 of Ohio, that;

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SECTION 1

This Council hereby finds and determines, pursuant to Sections 177.18(b)(2) and (e) of the Codified Ordinances of the County of Summit, that good cause exists and that a public auction or sealed bid is not warranted for the sale by the Executive and Board of Elections to ES&S of three ES&S 850 high-speed scanners. The Executive is hereby authorized to execute the Bill of Sale and any other necessary related documents in substantially the same form, a copy of which is attached hereto as Exhibit A and incorporated fully herein, with such modifications and revisions as shall be in furtherance of the provisions of said agreement and not substantially adverse to the County, all of which shall be conclusively evidenced by the execution thereof by the Executive.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the residents of Summit County, and for the further purpose of immediately authorizing the Executive to dispose of ES&S scanners so that the Board of Elections may have adequate storage space for the new equipment.

SECTION 3

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


SECTION 4

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

INTRODUCED March 20, 2023

ADOPTED March 20, 2023

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED March 20, 2023

  
EXECUTIVE

ENACTED EFFECTIVE March 21, 2023

Voice Vote - YES: 10-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Wiedie Higham, Wilhite